

Appendix A:

Preliminary Staff Analysis of Some Periodic Review Issues and Recommendations

This appendix is bound separately. It was prepared in 2002 and has already been shared with the County, although the Coastal Commission has not yet adopted it. The format was derived in order to provide the County staff with interim comments from Commission staff that could be used in a timely manner during the writing of the General Plan Update.

The format of the Appendix shows existing County LCP policies and suggested revisions based on this periodic review. A summary analysis and summary recommendation is provided in bold. For consistency sake, the issues are presented in the same format; hopefully capturing the intent of comments received and the reasons behind them, but taking some liberty in translating them into Coastal Act issues. Next on the chart is a column of what the current LCP says about the issue as well as what the first draft General Plan Update (published draft version of December 18, 2001) says. Obviously, there are many provisions that address some topics. While the Appendix is meant to be somewhat inclusive, covering both plan policies and Code sections, these citations do not necessarily reflect every provision that addresses the topic in question. Hence when the County addresses these issues, there may be additional provisions that need to be examined and possibly revised.

For each issue, a summary of the analysis as to how well the cited General Plan Update and LCP provisions address the issues is presented in bold typeface

Finally, the right hand column of the chart contains preliminary recommendations. Again, at the head of the column for each issue is a brief summary in bold of the substance of the recommendations. The recommendations are fairly specific, although precise language has not been drafted in all cases. The preliminary recommendations have been derived from a review of the County LCP text, knowledge about the implementation of the LCP and provisions of the Coastal Act. The Commission staff's preliminary recommendations are largely keyed to the existing LCP provisions. This is because it is the mandate of Periodic Review to evaluate whether the current LCP is being effectively implemented in conformity with Coastal Act policies. The published General Plan Update does not reflect the level of detail found in the currently adopted LCP. Where the General Plan Update already contains policies on the topic, the Commission staff has preliminary recommendations directed to that document as well. Recommendations on General Plan Update policies are similar to ones that have previously been conveyed to the County staff orally and/or in writing. Where there is not yet a General Plan Update policy or where it does not fully address the issue at hand, the preliminary recommendations are directed to the existing County LCP provisions. In the chart the recommendations are generally lined up with excerpts from the documents that they address. However, some of the cited provisions are included primarily for reference and context, so not recommendations may not be entered for every citation. Preliminary recommendations do not address whether and to what extent current policies will be

consolidated and do not attempt consolidation. Thus, how the preliminary recommendations can be used will depend on the final format of the General Plan/Local Coastal Program. For example, if there are now four separate policies on a topic for each segment and they become consolidated into one policy to apply throughout the coastal zone, the intent of the preliminary recommendations can be used, but the actual policy or ordinance text suggested in any recommendation may be revised. The recommendations are directed to the coastal zone. If the policies covering the topic in question are placed in the General Plan element chapters, it will be for the County to decide whether to use the recommendations to apply beyond the coastal zone. Some of the preliminary recommendations are to retain current policies. Again, it is important to retain the concept and intent of the noted policy, but if it needs to be rewritten to fit into you're the new format, that is acceptable. In some cases, where preliminary recommendations state that the policy may be retained, it means that there are other policies addressing the topic at hand and retention of the noted policy may not be necessary. Again, the final decision on these depends on to what extent individual segment policies are retained in the new General Plan versus being consolidated into coastal zone wide or countywide policies.

ERRATA:

On page 33 the cited web site address is no longer functional; the referenced Environmental Sensitivity Index is described on <http://response.restoration.noaa.gov/esi/esiintro.html>

On page 61 delete “average” from the second line of the recommended revision to DMF IP Section 20.147.040.C.3.

On pages 60, 64, and 158 add to recommendations to clarify IP Section 20.68.040 to correspondingly clarify IP Section 20.06.1260, if necessary.

On page 143 change recommendation to retain DMF Policy 145.12 to “see Appendix B” [for recommended revised wording].

Also, the following footnotes were inadvertently omitted from the printed document:

⁷ Identified as rare, endangered and/or threatened by the Cal Dept of Fish & Game; US Dept of Interior, US Fish & Wildlife Service, California Native Plant Society, IUCN list, and/or pursuant to the 1973 Convention on International Trade in Endangered Species of Wild Fauna & Flora

⁸ Locally rare or unique plants defined as endemic, relict or disjunct

⁹ Del Monte Forest section of IP only

¹⁰ Del Monte Forest section of IP only

¹¹ Only some determined on case-by-case basis

¹² Del Monte Forest section of IP only

¹³ Del Monte Forest section of IP only

¹⁴ Almost all of these will appear on the CNDDDB list. The current list follows. The last four, noted with *s, do not, but have already been identified in the LCP as ESHA, given their local significance. Monterey Cypress (*Cupressus macrocarpa*); Gowen Cypress (*Cupressus goveniana ssp. goveniana*); Monterey Pine (*Pinus radiata*); Hickman's Onion (*Allium hickmanii*); Hickman's Cinquefoil (*Potentilla hickmanii*); Sandmat manzanita, (*Arctostaphylos pumila*); Monterey Ceanothus (*Ceanothus cuneatus var. rigidus*); Hutchinson's larkspur (*Delphinium hutchinsoniae*); Coastal Dunes milk vetch (*Astragalus tener var. titi*); Gairdener's yampah (*Perideridia gairdneri ssp. gairdneri*); California Brown Pelican (*Pelecanus occidentalis californicus*) inshore feeding & resting areas esp. Bird Rock;

California Least Tern (*Sterna albifrons brown*) nesting, shoreline feeding & resting areas; American Peregrine Falcon (*Falco peregrinus*) nesting and roosting areas ; Smith's Blue Butterfly (*Euphilotes enoptes smith*) ; Menzies wallflower (*Erysimum menziesii*); Tidestrom's lupine (*Lupinus tidestromii*) ; Eastwood's goldenbush (*Ericameria fasciculata*); Monterey clover (*Trifolium trichocalax*); Pacific Grove clover (*Trifolium polyodon*); Monterey Indian paintbrush (*Castilleja latifolia*); Hutchinson's larkspur (*Delphinium hutchinsonia*); Southern Bald Eagle (*Haliaeetus leucocephalus leucocephalus*) nesting, feeding, and resting areas; California legless lizard (*Anniella pulchra*); Endemic Jack's Peak manzanita – significant occurrences only (*Arctostaphylos tomentosa ss.p bracteosa*)*; Bear-grass (*Xerophyllum tenax*)*; Coast rhododendron (*Rhododendron macrophyllum*)*; California dichondra (*Dichondra donnelliana*)*.

15 See above footnote.

16 14 Cal Code Regs §965 et seq

17 See Big Creek Lumber Co. V. County of San Mateo (1995) 31 Cal.App. 4th 418. Also, see Big Creek Lumber v. County of Santa Cruz, Sixth District Court of Appeal Case No. HO23778 that is not yet finalized. Although the current language in the LCP regarding whether and where timber harvest may occur appears ambiguous, it may be advisable to await the resolution of the Big Creek court case before undertaking any revisions to these provisions and hence this report contains no recommendations on this issue at this time.

18 See Coastal Commission Guidance on Hydromodification.

19 See Buffer Model Ordinance, http://www.stormwatercenter.net/Model%20Ordinances/buffer_model_ordinance.htm

20 See California Coastal Commission, "Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone," June 1994.

21 Source: US Fish & Wildlife Service Predator Management Plan for the Salinas River National Wildlife Refuge 1993, and USFWS Salinas River National Wildlife Refuge DRAFT Comprehensive Plan & Environmental Assessment (Sept., 2001)

22 Dugan, Jenifer Assistant Research Biologist, Marine Science Institute, University of California Santa Barbara: Ecological Effects of Grooming on Exposed Sandy Beaches in Southern California presentation at California and the World Ocean '02 conference, Santa Barbara October 2002.

23 From City of Santa Cruz

24 Source for all of these recommendations is FishNet 4C, "Effects of County Land Use Policies and Management Practices on Anadromous Salmonids and Their Habitats," January 2001.

25 Source: Moro Cojo Slough Management and Enhancement Plan, 1996. See page 5-1 and Figure 5-5. The have also mapped wetland areas beyond the current boundaries shown in the LUP. The mapping for the Moro Cojo Slough MEP was conducted by refining NWI maps by means of literature search and field site visits in which areas of hydrophytic vegetation were analyzed, periodic soil tests were performed and the extent of wetland hydrology was evaluated

26 Source: Elkhorn Slough at the Crossroads: Natural Resources and Conservation Strategies for the Elkhorn Slough Watershed; prepared by the Elkhorn Slough Foundation & Tom Scharffenberger, March 6, 2002. Elkhorn Slough Foundation vegetation mapping prepared in 2002 shows areas of tidal wetland, Freshwater marsh and riparian vegetation, ponds and open slough waters, mapped from aerial photographic images and field site inspection.

27 Source: Malibu LCP

28 See, California Coastal Commission, "Confined Animal Facilities BMP Fact Sheet."

29 Source: City of Malibu LCP Local Implementation Plan

30 Source, California Coastal Commission, "Confined Animal Facilities BMP Fact Sheet"

31 See Report to Monterey County Board of Supervisors, February 2, 1999.

32 See "Pollution Prevention: Good Housekeeping Minimum Control Measures," EPA Fact Sheet 2.8, January 2000.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 (831) 427-4863

PRELIMINARY ANALYSIS OF SOME PERIODIC REVIEW ISSUES AND RECOMMENDATIONS: PART I

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

PART I. TABLE OF CONTENTS

I. INTRODUCTION	3
II. LAND USE & PUBLIC WORKS INFRASTRUCTURE	4
ISSUE LU-1: Caretaker Units	4
ISSUE LU-2: Workshop Conversion.....	9
ISSUE LU-3: Certificates of Compliance.....	12
ISSUE LU-4: Gorda Rural Community Center	13
ISSUE LU-5: Moss Landing Marine Lab.....	15
ISSUE LU-6: Oak Hills Open Space	17
ISSUE LU-7: Alternative Wastewater Treatment:	17
III. ENVIRONMENTALLY SENSITIVE HABITATS.....	20
ISSUE SH-1: ESHA Identification:.....	21
ISSUE SH-2: Shoreline Resources	30
ISSUE SH-3: Biologic Reports.....	31
ISSUE SH-4: Resource-dependent Uses in ESHA	32
ISSUE SH-5: Subdividing ESHA	34
ISSUE SH-6: Mitigation for Habitat Loss	36
ISSUE SH-7: Non-natives as Habitat	38
ISSUE SH-8: Timber Harvest.....	40
ISSUE SH-9: Tree Removal	46
ISSUE SH-10: Streambank Protection	52
ISSUE SH-11: Stream Buffers.....	54
ISSUE SH-12: Wetland Setbacks	58
ISSUE SH-13: Other ESHA Setbacks	63
ISSUE SH-14: Predator Management	66
ISSUE SH-15: Public Agency Coordination	67

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE SH-16: Beach Grooming	72
ISSUE SH-17: Monarch Butterflies.....	73
ISSUE SH-18: Planting Invasives	74
ISSUE SH-19: Livestock Grazing	76
ISSUE SH-20: Steelhead Streams	82
ISSUE SH-21: Night Lighting	84
ISSUE SH-22: Moro Cojo Slough Wetlands.....	86
ISSUE SH-23: Potrero Road Open Space	87
ISSUE SH-24: Odello-West	88
ISSUE SH-25: Sandholdt Road Area	89
ISSUE SH-26: Watertek Wastewater Plant	90
ISSUE SH-27: Long Valley.....	92
IV. WATER QUALITY & MARINE RESOURCES	94
ISSUE WQ-1: Dredging and Spoils	94
ISSUE WQ-2: Sewage Outfalls.....	97
ISSUE WQ-3: Erosion and Non-point Source Pollution Control.....	100
ISSUE WQ-4: Agriculture and Confined Animal Facility BMPs	110
ISSUE WQ-5: Wastewater Treatment Best Management Practices.....	114
ISSUE WQ-6: Watershed Planning.....	118
ISSUE WQ-7: Public Works Maintenance.....	119
V. AGRICULTURAL RESOURCES	121
ISSUE AG-1: Prime Agricultural Land.....	121
ISSUE AG-2: Triple M Ranch.....	123

PART II. TABLE OF CONTENTS

(See second part of document beginning on page 125)

- VI. PUBLIC ACCESS & RECREATION
- VII. COASTAL HAZARDS
- VIII. SCENIC RESOURCES
- IX. ENERGY & INDUSTRIAL DEVELOPMENT

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

I. INTRODUCTION

Under the California Coastal Management Program, planning for and regulating development in the coastal zone is shared by the Coastal Commission and local jurisdictions: upon completion of a certified Local Coastal Program (LCP), the local government assumes most permitting and planning responsibilities. Section 30519.5 of the Coastal Act requires that the Commission "review every certified local coastal program to determine whether such program is being effectively implemented in conformity with the policies" of the Coastal Act, and, where necessary, recommend corrective actions. The local government reviews the recommendations and within one year either takes the recommended action or forwards to the commission a report setting forth its reasons for not taking the recommended action. The Commission then reviews such report and, where appropriate, reports to the Legislature and recommends legislative action necessary to assure effective implementation of the Coastal Act.

The California Coastal Commission, in cooperation with Monterey County, is currently conducting a periodic review of Monterey County's Local Coastal Program (LCP). The program was certified at the beginning of 1988, and this is the first periodic review of its implementation. For more information about this process to date please see: <http://www.coastal.ca.gov/recap/rctop.html>. This preliminary report is based on an issue scoping exercise conducted in early 2002. The tables include a column for each issue indicating what the current LCP and Monterey County General Plan Update (published draft version of December 18, 2001) say about the issue. Heading this column in bold face are summaries of Commission staff's preliminary analysis as to how well the cited General Plan Update and LCP provisions address the issues. The right hand column of the chart contains preliminary recommendations, with brief summaries in bold.

This project is being managed by Elizabeth Fuchs and Rick Hyman. ReCAP staff who helped prepare this report include Kelly Cuffe and Michael Nowak. Numerous other Coastal Commission staff also contributed to this draft product.

This report was prepared with financial assistance from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, under the provisions of Section 309 of the Coastal Act Reauthorization Amendments of 1990.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

II. LAND USE & PUBLIC WORKS INFRASTRUCTURE

The California Coastal Act includes several policies that address the location, type, and intensity of new development to ensure the protection of coastal resources. To protect rural lands, agriculture and open space, as well as limit urban sprawl, Coastal Act Section 30241 requires the establishment of stable urban-rural boundaries. New development also must be located within, contiguous to or in close proximity to existing developed areas with adequate public works facilities such as water supply and wastewater treatment (Section 30250). Where such areas are not available, any approved development must be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. This includes protection of groundwater basins and sensitive habitats that may be affected by water withdrawals, wastewater disposal, and polluted runoff.

The Coastal Act also includes a specific policy that limits rural land divisions (Section 30250). Section 30254 provides that new or expanded public works facilities must be sized to serve planned development and not induce additional, unplanned development. Highway 1, however, must remain a two lane scenic road in rural areas. Where resources or services are limited, coastal dependent land uses, essential public services, basic industries, public and commercial recreation and visitor-serving land uses shall not be precluded by other development. Collectively, these requirements reflect a fundamental goal of the Coastal Act: protection of coastal resources by concentrating new development in existing developed areas able to accommodate it.

ISSUE LU-1: Caretaker Units

Ensure that provisions for caretakers units account for employee housing need in Big Sur consistent with Coastal Act requirements.

County Policies and Comments

Summary Comment: The Big Sur land use plan has detailed regulations for caretakers units in Big Sur. There is a limit of 50 so as not to overwhelm the area with residential units where traffic capacity is limited and there are significant resource constraints. Discussion with Big Sur advisory committee revealed that the real issue is not the caretaker limitations but the need for employee housing. The land use plan has some policies to provide for on-site employee housing, but not for off-site.

To date the General Plan Update proposes more liberal standards for caretaker housing, which would not be consistent with Coastal Act policy objectives and would not solve the employee housing need.

Recommendations

Summary: Retain caretaker unit criteria; however, add flexibility that will allow an extra increment for local business employee housing.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

GENERAL PLAN UPDATE

GPU Policy LU-6.9 states that for purposes of calculating allowable density on parcels, the County shall not include caretaker quarters....

GPU Policy LU-6.10 states that the County shall encourage the use of caretaker accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. The caretaker shall be employed principally on the lot for purposes of care and protection of persons and facilities on-site or on contiguous lots under the same ownership. Applicants for detached caretaker residences shall demonstrate a need for the unit as part of the development review process. Detached caretaker residences shall not exceed 850 square feet in size. Subdivisions shall not be permitted to divide a principal residence from a caretaker residence. Only one caretaker unit shall be allowed on the parcel.

GPU Big Sur Table AS-2 same as Big Sur Land Use Plan Table 1 for caretaker units.

COASTAL LAND USE PLANS

Big Sur Land Use Plan:

Big Sur Policy 5.4.3.I.2.c encourages use of caretaker's accommodations for providing affordable accommodations for caretakers, ranch hands, convalescent help and domestic help. Caretaker's residences are limited to 850 square feet in size; subdivisions are precluded from dividing a principal residence from a caretaker residences; only one caretaker per parcel is allowed; all such units are considered to be part of the buildout allowed by this plan; a total of 50 such units are allowed in the area regulated by the Big Sur Land Use Plan.

GENERAL PLAN UPDATE

Revise GPU Policy LU-6.9 to be consistent with IP Sections 20.64.030.F, G H, & I.

GPU Policy LU-6.10 may be adopted.

GPU Big Sur Table AS-2 may be revised to also allow caretakers units in Rural Residential district, as requested by Big Sur LUAC. Note: given the limit of 50 caretakers units for Big Sur, this change would open the competition for these units. Thus, this proposal might be appropriately considered in junction with one that addresses overall house size and lot coverage (e.g., for large homes, a separate caretaker unit would not be such a necessity, see Recommendation for Issue SR-9 "Trophy Homes")

COASTAL LAND USE PLANS

Big Sur Policy 5.4.3.I.2.c may be replaced with the following:

Caretaker's Houses The County shall encourage the use of caretaker's accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and locally employed persons. Applicants for detached caretakers' residences shall demonstrate a need for the unit as part of the development review process. Detached caretaker's residences may be located in any designation where principal residences are permitted, provided there is sufficient developable building area and other Plan policies are complied with. Caretaker's shall derive a substantial portion of their livelihood from working on the property, which may include the amount rent is

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Big Sur Policy 5.4.3.I.2.b addresses employee housing units, which like caretaker units are limited to a maximum of 850 square feet in size and have criteria to be met in order to retain units as such.</p> <p>Big Sur Land Use Plan Table 1 allows caretakers units in Watershed & Scenic Conservation designation at 1 per parcel, 50 maximum in Big Sur.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Section 20.06.160 definition: Caretaker units means a permanent residence, secondary and accessory to an existing main dwelling for persons employed principally on-site for purposes of care and protection of persons, property, plants, animals, equipment or other circumstances on site or on contiguous lots under the same ownership.</p> <p>IP Section 20.64.030 contains REGULATIONS FOR CARETAKER UNITS: 1. Only 1 caretaker unit per lot shall be allowed.</p>	<p>reduced below fair market value as compensation for work on the property. Detached caretaker's residences, where allowed within the Big Sur Planning Area, shall not exceed 850 square feet in size. Subdivisions shall not be permitted to divide a principal residence from a caretaker's residence. Only one caretaker's unit shall be allowed per parcel, or per group of parcels in close proximity under the same ownership, whichever is less.... A total of 50 such units may be allowed within the Big Sur Planning Area; provided however, units that participate in a program to provide affordable housing for those employed within the Big Sur Planning Area shall be excluded when calculating whether the 50 unit limit has been reached. Such program shall be specific to the Big Sur Planning Area and shall be developed with input from the Big Sur and South Coast Land Use Advisory Committees.¹</p> <p>Big Sur Land Use Plan Table 1 may be revised to also allow caretakers units in Rural Residential district, as requested by Big Sur LUAC.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Revise IP provisions consistent with land use plan recommendations above.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

¹ Source: Big Sur LUAC, Sept 13, 2002. Note: the LUAC recommendation also contained the following rental criteria, "Rent paid by caretakers, if any, shall not exceed 40% of the fair market value for comparable rentals in the locality, or as otherwise required by state law for low income housing." This or a similar formula would be acceptable for the County to include in its LCP in conjunction with its housing policies, but under the Coastal Act, the Coastal Commission cannot impose such a requirement.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

- 2.The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership.
- 3.The minimum lot size for establishment of a caretaker unit in areas not served by public sewers shall be two acres. The minimum lot size for establishment of a caretaker unit in the Carmel Planning Area shall be 40 acres.
- 4.Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located, except in North County. In North County, caretakers units shall not be permitted on lots less than 5 acres if located in an area not served by public sewer systems.
- 5.The maximum floor area for a caretaker unit is 850 square feet.
- 6.A minimum of 1 covered off-street parking space shall be provided for the caretaker unit.
- 7.The caretaker unit shall not be separately rented, let, or leased to other than the caretaker whether compensation be direct or indirect.
8. Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.
- 9.Caretaker units are not permitted on any lot less than 10 acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to a Coastal Administrative Permit.
- 10.The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to other than the caretaker.

IP Section 20.64.030.D.4 requires that adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

IP Section 20.64.030.E.requires that any caretaker unit proposal which does not comply with the provisions of this Section with regard to size, height, or setbacks shall require a Variance.

IP Section 20.64.030.F states that there shall be a maximum of 50 Caretaker Units approved in the Big Sur Planning Area from the time of

Revise IP Section 20.64.030.E to not allow variances that increase the size of caretaker units.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

certification of the Big Sur Coast Land Use Plan (April 9, 1986).

IP Section 20.64.180 repeats density standards for caretaker units.

Big Sur IP Section 20.145.020 defines Caretaker's Quarters as a permanent residence, secondary and accessory to an existing main residence, for persons employed exclusively on-site, for purposes of security or to provide continuous plants, animals, equipment, care for persons, or other conditions on the site. The caretaker's unit may not be rented, let or leased.

b. Caretaker's Quarters

The caretaker's quarters shall be a permanent residence, secondary and accessory to an existing main residence, to be inhabited by a person employed exclusively on the parcel.

The caretaker shall be employed exclusively on the parcel for purposes of security or to provide continuous care for persons, plants, animals, equipment, or other conditions specific to the site. As such, prior to the application being considered complete, the applicant shall provide evidence which demonstrates necessity for such unit by demonstrating that: a) there is a security problem or b) some type of continuous care is required, and c) the owner is unable to personally perform the needed function, or requires additional assistance to a sufficient degree to warrant a caretaker. Acceptable evidence shall include such items as a letter from a doctor stating medical needs, a letter from a police department describing the area's security problems, or employee job descriptions.

One caretaker unit shall be allowed per parcel or per existing main residence.

The minimum parcel size for establishment of a caretaker unit shall be 2 acres.

Site characteristics shall be reviewed in order to determine that the site is both capable of sustaining the additional development and that the proposal is consistent with the policies of the Big Sur Coast Land Use Plan and the standards of this ordinance.

Caretaker units attached to the main residence are encouraged: however,

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

the maximum building size for an attached or a detached caretaker unit shall be 850 square feet.

The caretaker unit shall not be rented, leased or otherwise let. Subsequent subdivisions which would divide a main residence from a caretaker's residence shall not be permitted. As a condition of project approval, the applicant shall record a deed restriction, pursuant to Section 20.142.130.B, prior to issuance of building permits, that the caretaker's unit may not be rented, leased, or let nor subsequently divided from the main residence. A maximum of 50 caretaker units may be approved in the Big Sur Coast Land Use Plan, after the certification of the LUP.

ISSUE LU-2: Workshop Conversion

Ensure conversion of residential workshops to commercial enterprises in Big Sur is regulated in a manner consistent with the Coastal Act.

County Policies and Comments

Summary Comment: Big Sur Land Use Plan policies and zoning provisions allow and actually encourage small-scale commercial enterprises in Big Sur, and do not restrict small-scale cottage industry to commercially zoned areas. Commercial use policies also take into consideration the impact of the use on surrounding land from a good neighbor point of view, which would seem to give the neighborhood some say in approval of the use. There is one outdated reference to renewal of use permits because the County no longer issues use permits in the Coastal Zone.

COASTAL LAND USE PLAN

Big Sur Land Use Plan

Big Sur Policy 5.4.3.E.5 states that cottage shop industry, defined as small-scale manufacturing of artistic or craft items, is encouraged as a traditional activity in the area. It shall be treated as an appropriate home occupation in any areas where residences are permitted and shall not be restricted to areas designated for commercial uses.

Big Sur Policy 5.4.3.E.8 - Renewal of use permits for existing

Recommendations

Summary: Retain existing policies but update reference to use permits. If the County wishes to re-examine policies, then Coastal Act considerations of protection of special communities and limiting commuting traffic on Highway One need to be accounted for.

COASTAL LAND USE PLAN

Big Sur Policy 5.4.3.E.5 may be retained (Note: If the County wishes to re-examine policies, then Coastal Act considerations of protection of special communities and limiting commuting traffic on Highway One need to be accounted for.)

Revise Big Sur Policy 5.4.3.E.8 reference to use permit renewal to

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

commercial uses or the establishment of new uses will require careful consideration of the impact of the use on surrounding land from a good neighbor point of view. Particularly where commercial activities are in proximity to residences, care must be taken to ensure that noise or visual modification do not affect the peace and tranquility of existing neighbors.

Big Sur Policy 5.4.3.J.2.states that studios and other small non-residential and non-commercial accessory structures such as tool sheds, workshops, or barns may be permitted on any size parcel provided the constraints of the parcel and other plan policies permit. None of these units shall ever be used for habitation purposes. For structures whose design does not preclude habitation, legal restrictions shall be applied...

COASTAL IMPLEMENTATION PLAN

BS IP Section 20.145.020.U definition of: Cottage Shop Industry is small-scale manufacturing of artistic or craft items as conducted out of the home or from a workshop accessory to an existing principal residence

Big Sur Section 20.145.140.B.2.c states that Cottage shop industry shall be permitted in areas where residential use is allowable, and shall not be restricted to commercially-oriented zoning districts. "Cottage shop industry" is small scale manufacturing of artistic or craft items as conducted out of the home or from a workshop accessory to an existing principal residence.

Big Sur Section 20.145.140.B.5.a states that small non-residential and non-commercial accessory structures, such as tool sheds, workshops, studios, and barns, may be permitted on any size parcel provided that the proposed development can meet the policies of the Big Sur Coast Land Use Plan and the standards of this ordinance.

Section 20.145.140.A.3 indicates that land use or development will not be permitted if found to be inconsistent in character, scale or activity level with the goal of preserving the coast's natural, undeveloped beauty and tranquility...and restricts ...manufacturing, other than for cottage industry or art production...

issuance of, or extension of, a coastal permit. (Note: the County may also want to tie this provision to other permits or licenses that it issues, such as a building license, since change of commercial uses that do not change intensity of use or otherwise result in development do not require coastal permits.)

Big Sur Policy 5.4.3.J.2 may be retained.

COASTAL IMPLEMENTATION PLAN

Retain IP Section 20.145.020.U

Section 20.145.140.B.2.c may be retained.

Big Sur Section 20.145.140.B.5.a may be retained.

Retain Section 20.145.140.A.3

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

IP Section 20.16.040 allows home occupations, pursuant to Section 20.64.090 as a principal permitted use in the Rural Residential Development (RDR (CZ)) district and require a coastal administrative permit; so does Section 20.17.040 for the Watershed & Scenic Conservation (WSC(CZ)) district (Note most of Big Sur private land is in one of these two districts.)

IP Section 20.16.050.II says cottage industries pursuant to Section 20.64.095 are considered allowable conditional uses in RDR and require a coastal development permit. So does 20.17.050.C for WSC.

IP Section 20.64.090 contains Regulations for Home Occupations and limits them to those occupations using facilities, equipment and materials normally found in the home and within accessory structures, including but not limited to typing, seamstress or tailoring, computerized data processing, ceramics, music and instrument lessons, and lawn mower repair which do not interfere with the use or appearance of the home as a residence or the aesthetic character of the district...and require that there shall be no advertising for the home occupation allowed on the property.

IP Section 20.64.095 contains Regulations for Cottage Industry which: requires a CDP, allows a total of 2 persons other than the resident and immediate family residing on site to be employed in the cottage industry...requires there to be no advertising except as may be incorporated within a 4 square foot nameplate allowed on the residence...requires that adequate access and parking be provided for residential use, employees and 2 customers... requires Zoning Administrator not approve a CDP for cottage industry unless findings can be made that:...the proposed use conforms to requirements...adequate sewer and water service exists or can be provided...adequate road and transportation facilities exist...use is compatible with area...property complies with all zoning standards and no zoning violations exist... and significant impacts are mitigated.

Retain IP Section 20.64.090

Retain IP Section 20.64.095.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE LU-3: Certificates of Compliance

Ensure that certificates of compliance are issued in a manner that accounts for Coastal Act policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has adequate standards based on the Subdivision Map Act for determining and processing certificates of compliance. However, the County does not currently inform the Commission when it renders unconditional COC determinations (which are also the equivalent of an exemption from coastal permit requirements), so there can be no independent verification to ensure that the COC determination process is adequately protecting coastal resources in conformance with Coastal Act requirements. Also, while the LCP correctly specifies that Conditional Certificates of Compliance require coastal permits, it does not explicitly link the two processes. If not monitored carefully, certificates of compliance can facilitate development that could undermine stable urban/rural boundaries and agricultural lands over the long run.</p> <p>To date, the General Plan update does not address this issue.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Section 19.02.035 defines Certificate of Compliance as: a document describing a unit or contiguous units of real property and stating that the parcel complies with applicable provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto.</p> <p>IP Section 19.14.041 describes the procedure for a parcel legality Status Determination.</p>	<p>Summary: Adopt procedures for notifying and consulting with the Coastal Commission prior to approving certificates of compliance.</p> <p><u>GENERAL PLAN UPDATE:</u> Add an action to develop and implement a procedural guidance document for evaluating parcel legality requests, including, for example, notice forms, contact information, examples of acceptable documentation, coordination with Coastal Commission.²</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Add to IP Section 19.14.041 “Parcel Legality Status Determination” provisions for: 1) the County to submit to the Coastal Commission notice of the initial Parcel Legality Status Determination application for those</p>

² See “Certificates of Compliance Workshop” [material presented to the Coastal Commission] presented by Jonathan Wittwer, Esq., November 30, 2001.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>IP Section 19.14.045 describes Unconditional Certificate of Compliance and the criteria for qualifying and indicates if everything is in order, an unconditional certificate of compliance can be issued.</p> <p>IP Section 19.14.050 describes Conditional Certificate of Compliance, and indicates that if the parcel was created in violation of the provisions of the Subdivision Map Act, approval should be conditioned on doing what is necessary with regards to the requirements of the Map Act to bring the parcel into conformance.</p> <p>IP Section 20.06.310.4.a specifically defines subdivision pursuant to the Subdivision Map act as development.</p> <p>CIP Section 20.06.310.4.d. specifically defines conditional certificates of compliance as development.</p> <p>CIP Section 20.70.025 states that all development as defined in Section 20.06.310 shall require a Coastal Development Permit except development exempted by Section 20.70.120. (Note: COCs and subdivisions are not exempted.)</p>	<p>parcels located in the coastal zone, 2) the County to make available to the Coastal Commission evidence for such a determination, 3) the County to submit to the Coastal Commission tentative decisions to record Certificates of Compliance for parcels in the coastal zone, noting under which Code criteria the decisions are made, 4) a process, through which the Executive Director of the Coastal Commission may consult with the Director of Planning and Building Inspection about individual applications for certificates of compliance before Certificates of Compliance are recorded, 5) a reference to IP Section 20.70.115.E regarding resolution of disputes over exemptions from coastal permits..</p> <p>Add in Section 19.14.050 a cross-reference to coastal permit requirement Sections 20.70.025& 20.06.310.4.d, so that the permit process occurs simultaneously with any decision to issue a Conditional Certificate of Compliance.</p> <p>Retain Section 20.06.310.4.a</p> <p>Retain Section 20.06.310.4.d</p> <p>Retain Section 20.70.025 with regard to certificates of compliance.</p>
<p>ISSUE LU-4: Gorda Rural Community Center Ensure that the remote and scenic area around Gorda is appropriately designated to conform to Coastal Act concentration of development, as well as scenic resources, policies.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: Current LCP designations for intensive development and viewshed exceptions do not match aerial photo</p>	<p>Summary: Revise Land Use map so that the Rural Community Center designations cover only the extent and location of the existing</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

analysis indicating that development is concentrated in Treebones, CalTrans Maintenance Yard and Gorda Springs Resort areas. Given the highly scenic and rural nature of this area and the purpose of the Rural Community Center to cover existing developed enclaves, its designation elsewhere is not consistent with Coastal Act scenic protection and concentration of development policies. Although the Rural Community Center designation does not cover the Caltrans Maintenance Yard, its designation of National Forest remains appropriate at this time, pending the outcome of the Coast Highway Management Plan. The sentence in the Rural Community Center policy that says the designation is approximate is not consistent with Coastal Act requirements for specificity and could lead to an interpretation that inappropriate development beyond its boundaries is permissible.

To date the General Plan Update does not directly address this issue other than retaining the land use designations.

COASTAL LAND USE PLANS

Big Sur LUP

Big Sur land use map Detail E shows Rural Community Center designation on four parcels around Gorda: Treebones campground, adjacent vacant Forest Service parcel, Gorda Springs resort, and portion of former Coastal Conservancy, now Forest Service, oceanfront parcel.

Big Sur land use map shows Caltrans maintenance yard as Forest Service.

Big Sur LUP policy 3.2.5.A provides an exception from the policy for no visible development in the critical viewshed, stating: Rural Service Centers Development within ... Gorda... provide essential services to the community and visiting public, and shall be permitted under careful design and siting controls as provided for in the County Zoning Ordinance... and by Policy 5.4.3 of this Plan.

developed enclaves (see Map LU-4).

COASTAL LAND USE PLANS

Retain Rural Community Center designation for Gorda Springs resort.

Redesignate vacant parcel adjacent to Treebones to National Forest as well as former Coastal Conservancy parcel now owned by National Forest.

Retain designation of Caltrans Maintenance Yard as Forest Service. (Note this issue may be revisited later in conjunction with Coast Highway Management Plan.)

(Note Big Sur LUP policy 3.2.5.A with regard to design criteria will be separately reviewed.)

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Big Sur LUP Section 5.3.2: A special land use classification, called Rural Community Center, is depicted by a dotted line circumscribing portions of the Big Sur Valley, Pacific Valley, Lucia, and Gorda. This is intended to illustrate the approximate area within which a variety of land use activities are now carried on. The plan proposes that these areas continue to provide a spectrum of functions for both the visiting public and for residents of the adjoining rural areas. Major categories of land use activities appropriate are those found in the Outdoor Recreation; and Recreational, Visitor-Serving Commercial, Public and Quasi-Public classifications.</p> <p>Big Sur LUP section 5.3.1.1 describes the National Forest designation: Non-federal development within this designation will be subject to the same development standards and criteria as Watershed and Scenic Conservation category. Existing administrative and community uses may continue to operate on National Forestland (e.g. Caltrans maintenance stations...</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>IP Zoning is Visitor-Serving Commercial for Treebones campground, adjacent vacant Forest Service land; part of Caltrans maintenance yard, Gorda Springs resort, and former Coastal Conservancy oceanfront parcel.</p> <p>IP Zoning is PQP Public-Quasi-Public for Caltrans Maintenance station.</p>	<p>Delete “approximate” from second sentence of Big Sur LUP Section 5.3.2 or delete entire sentence.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Rezone National Forest holdings (vacant parcel adjacent to Treebones and former Coastal Conservancy parcel) from Visitor-serving Commercial to Public-Quasi-Public. Retain other VSC designations around Gorda.</p> <p>Retain PQP Public-Quasi-Public for Caltrans Maintenance station.</p>
<p>ISSUE LU-5: Moss Landing Marine Lab. Ensure that the former and current Moss Landing Marine Lab sites are appropriately designated, accounting for the priority that the Coastal Act affords to coastal-dependent uses.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: The current LCP has not been updated to reflect Board of Supervisors’ resolution approving the coastal permit</p>	<p><i>Recommendations</i></p> <p>Summary: Redesignate MLML site to Public/Quasi-Public Educational-Scientific. Redesignate former MLML parcels to Scenic</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

for the new MLML that also committed to redesignate current MLML site to Public Quasi Public and the former MLML site to Outdoor Recreation.³ Given that the former site is now owned by and has been restored to a dune environment by State Parks, the Outdoor Recreation designation for moderate intensity recreational use is no longer appropriate from a Coastal Act resource protection standpoint.

To date the General Plan Update does not address this issue other than retaining the land use designations.

COASTAL LAND USE PLANS

North County Land Use Plan

No Co. LUP map shows MLML college site near cemetery (APN 133-201-021) as Low Density Residential (LDR) 2.5 to 10 acres per unit, General Commercial and Public/Quasi-Public Cemetery

No Co. LUP map shows most of former MLML site that is now part of a Salinas River State Beach (APNs 133-232-007 and -008) as Public/Quasi-Public, Educational-Scientific.

No Co LUP map shows the MLML salt-water lab (AP# 133-191-001) as Coastal-Dependent Light Industrial.

COASTAL IMPLEMENTATION PLAN

CIP zoning map shows new Marine Lab parcel as LDR/2.5 (CZ), MLC, and PQP.

Zoning map shows former Marine Lab parcel that is now State Parks as PQP. (Adjacent State Parks land is zoned OR)

Zoning map shows MLML salt-water lab as LI(CZ) Light Industrial.

and Natural Resource Recreation.

COASTAL LAND USE PLANS

Redesignate new Moss Landing Marine Lab parcel from Low Density Residential, General Commercial and Public/Quasi-Public Cemetery to Public/Quasi-Public, Educational-Scientific.

Redesignate the former marine lab parcels now part of the State Beach (APNs 133-232-007 and -008) from Public/Quasi-Public to Scenic and Natural Resource Recreation (Note: this land use designation is also applied to adjacent parts of Salinas River State Beach.)

Redesignate the MLML salt-water lab facility on APN 133-232-006 to Public/Quasi-Public, Educational-Scientific.

COASTAL IMPLEMENTATION PLAN

Rezone all of Moss Landing Marine Lab parcel to PQP (CZ).

Rezone former MLML parcels that are now State Park to OR (CZ) Open Space Recreation.

Rezone MLML salt-water lab facility parcel to PQP (CZ).

³ Monterey County PC resolution 93-097 approved, among other things, a major lot line adjustment and relocation of MLML facilities to the new site 5/12/93. BOS public hearing 5/18/02 approved and required amendments to CIP zoning and LU designations; but these don't appear to have been completed.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE LU-6: Oak Hills Open Space Ensure that the permanent open space in Oak Hills, established through permits and easements, is appropriately designated consistent with Coastal Act habitat, wetland, and scenic resource protection policies.	
<div> <div><i>County Policies and Comments</i></div> <div> <p>Summary Comment: The current LCP designates areas in Oak Hills that are to be permanent open space as residential, which could lead to inappropriate development of habitat and habitat buffer areas.</p> <p>To date the General Plan Update does not address this issue other than retaining the land use designations.</p> <p><u>COASTAL LAND USE PLANS</u> No. <u>County LUP</u> shows all of Oak Hills area designated as Medium Density Residential 1-4 units/ acre.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> <u>IP Zoning Map</u> has all of Oak Hills designated MDR, which is a medium density residential district.</p> </div> </div> <div> <div><i>Recommendations</i></div> <div> <p>Summary: Redesignate open space parcels to Resource Conservation Wetlands & Coastal Strand and Scenic and Natural Resource Recreation or Outdoor Recreation, as appropriate.</p> <p><u>COASTAL LAND USE PLANS</u> Redesignate those parcels with scenic, open space and recreational easements to Wetlands and Coastal Strand where they contain wetlands or to Scenic and Natural Resource Recreation or Outdoor Recreation where they contain other open space or recreational areas. (See Map LU-6)</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Rezone the wetland open space parcels to RC(CZ) and the other open space parcels to Open Space Recreation OR(CZ).</p> </div> </div>	
ISSUE LU-7: Alternative Wastewater Treatment: Ensure consideration of new alternative technologies for wastewater treatment in remote or rural areas to serve development appropriate under the Coastal Act in an environmentally sound manner.	
<div> <div><i>County Policies and Comments</i></div> <div> <p>Summary Comment: To date the certified LCP does not have policies allowing alternative wastewater systems. Options to conventional treatment systems are desirable from a Coastal Act perspective as alternatives to requiring either hookup to sewer systems in rural areas or reduction in recreational opportunities (due</p> </div> </div> <div> <div><i>Recommendations</i></div> <div> <p>Summary: Adopt policy allowing alternative individual sewage disposal systems to replace failed systems.</p> </div> </div>	

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

to capacity limitations). The County prepared revisions to the Sewage Disposal Ordinance to allow for graywater systems and other alternative systems when existing septic tanks need repair, but never submitted the revisions as amendments to the LCP. The State is preparing to adopt “specified regulations or standards for the permitting and operation of prescribed onsite sewage treatment systems” pursuant to AB885, which may be relevant to the LCP.

To date the General Plan Update has a welcome policy addressing this issue for failed systems.

GENERAL PLAN UPDATE

GPU Policy PS-4.13 states that alternative individual sewage disposal systems may be considered for replacement of systems that have failed on approved lots of record. Such alternative systems are to be approved in advance by the Regional Water Quality Control Board and the Director of Environmental Health.

GENERAL PLAN UPDATE

Adopt GPU Policy PS-4.13⁴ and add the following:

Alternative systems are defined as any system other than a standard system. They shall be used on parcels where site and soil conditions will not support a standard system or where increased treatment is needed and reviewed on a case-by-case basis. They are generally characterized as having increased design and performance criteria. They shall be designed by a California Registered Geologist, California Registered Geotechnical Engineer, California Registered Civil Engineer or a California Registered Environmental Health Specialist. The use of alternative systems shall be combined with a reasonable testing and monitoring protocol.

Adopt an action for the Director of Environmental Health to maintain information on, and a list of approved, alternative individual sewage disposal systems and to seek the resources to be able to monitor these.⁵ The Director should coordinate with State Parks, National Forest Service, and other entities that provide recreational facilities served by septic systems to determine the potential need for alternative systems and the best means for accommodating and monitoring them.

⁴ US EPA, Small Wastewater Systems: Alternative Systems for Small Communities and Rural Areas, provides basic information about many of these systems and situations where they may be applicable. Another EPA publication, Design Manual-Onsite Wastewater Treatment and Disposal Systems, is a 400-page book that gives an in-depth look at various conventional and alternative wastewater treatment systems.

⁵ The proposed amendments to Ch 15.20 and the Central Coast Basin Plan require the Director of Environmental Planning to have the resources necessary to monitor alternative systems prior to approving them.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>COASTAL LAND USE PLANS</u> Do not address this topic directly.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Ch 15.20 contains Sewage Disposal regulations, which require flush toilets (e.g., no composting toilets) and septic tanks with leachfields or seepage pits.</p>	<p>Adopt an action to address recommendations from AB885 process when completed.</p> <p>Adopt an action to have the Director of Environmental Health authorize temporary solutions to any additional recreational park septic tank problems in the intervening period (until the above actions are completed) in locations where septic tank repairs or replacements are not possible or would result in a significant reduction in the amount of recreational facilities.</p> <p><u>COASTAL LAND USE PLANS</u></p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Revise Ch 15.20 to allow for graywater systems and alternative systems for septic systems that need repair.⁶</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

⁶ See Report to Monterey County Board of Supervisors, February 2, 1999.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

III. ENVIRONMENTALLY SENSITIVE HABITATS

One of the primary objectives of the California Coastal Act is to preserve, protect, and enhance environmentally sensitive habitat areas (ESHA). Section 30107.5 of the Coastal Act defines an “Environmentally sensitive area” as, “Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” Section 30240 prohibits any significant disruption of habitat values, and limits development within ESHA to uses that are dependent on the resources. It also requires that development adjacent to ESHA to be sited and designed to prevent significant degradation, and be compatible with the continuance of the habitat. Section 30230 applies to marine habitats, and calls for the maintenance, enhancement and restoration (where feasible) of marine resources, with special emphasis on areas and species of special biological or economic significance. Pursuant to this section, all uses of the marine environment must sustain the biological productivity of coastal waters, and maintain healthy populations of all marine organisms. Section 30231 provides that the biological productivity of coastal waters, streams, wetlands, estuaries, and lakes must be maintained and, where feasible, restored. This is to be achieved by, among other means: minimizing adverse effects of wastewater discharges and entrainment; controlling runoff; preventing depletion of groundwater supplies and substantial interference with surface water flow; encouraging wastewater reclamation; maintaining natural buffer areas that protect riparian habitats; and minimizing alteration of natural streams.

Additional guidance is provided as follows:

- The provision of maximum public access and recreation opportunities must be consistent with protecting natural resource areas from overuse and must take into account the fragility of natural resources (Sections 30210 and 30214).
- The diking, filling, or dredging of coastal waters is limited to specific purposes, and permitted only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects (Section 30233).
- The alteration of rivers and streams are limited to necessary water supply, flood control, and habitat restoration projects, and must incorporate the best mitigation measures feasible. (Section 30236)

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE SH-1: ESHA Identification:

Ensure that the County has adequate procedures and policies to identify all ESHA so as to ensure that ESHA protective policies can be fully applied.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP segments all have definitions that mirror the Coastal Act definitions and are broad enough to encompass newly added species to special status lists and newly discovered or more precisely mapped habitat areas. However, a selective reading of the DMF LUP has led some to interpret that Appendix A is a complete unmodifiable list of all ESHA, rather than a complete list of examples of ESHA at the time that the LUP was written. Since new species have been found to be present and/or rare since that time (i.e., Monterey pine, Yaden's piperia, Beach laia, hooker's manzanita) full ESHA protection would not be achieved under this incomplete interpretation.</p> <p>The current LCP segments use some different terminology and categories to explain more specifically what habitats fall under the ESHA definition. Because the ESHA definition is broad, the LCP needs to provide clear guidance so that biologists will ensure all ESHA is identified and protected. All segments define the habitats of all state and federally listed rare, endangered, and threatened species as ESHA. As to other sensitive species, there is not complete coverage. Some specific inadequacies and discrepancies include, but are not limited to: - wetlands are not included in the DMF ESHA list, although they are afforded protection;</p> <ul style="list-style-type: none"> - rookeries, but not other types of nesting areas are listed as ESHA in DMF and Carmel; nesting areas are missing from the Big Sur ESHA list; - important roosting sites are listed as ESHA in DMF and Carmel, not in the other two segments; - indigenous dune plant habitats are listed in Big Sur and No Co, not the more encompassing coastal sand dunes, which is not listed at all for Carmel; 	<p>Summary: Adopt revised (and preferably uniform) provisions for identifying and locating ESHA to ensure that ESHA protective policies apply to all ESHA.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

- central maritime chaparral is not listed for Big Sur and Carmel; the less common term Chamise-Monterey manzanita dwarf coastal chaparral is listed in Carmel

To date, the General Plan Update does not fully carry over existing ESHA definitions and policies, nor does it correct the deficiencies noted above. The General Plan Update attempts to address resource protection through Ecologically Sensitive Areas, but their definition is not as encompassing as the ESHA definition and they are not afforded as much protection as ESHAs are under the Coastal Act.

GENERAL PLAN UPDATE

GPU Policy ER-1.2 Proposed Ecologically Sensitive Areas for Monterey County in new General Plan include habitat areas of federal and state listed threatened, endangered and special status species, and locally important resources that are supportive to these species. The latter include habitat such as:

- Coastal strand and dunes
- Perennial grasslands
- Maritime chaparral
- Chaparral
- Oak woodland and savannas
- Redwood forests
- Native Monterey Pine forests
- Salt marshes
- Vernal pools
- Riparian forests
- Willow seeps

Policy ER-1.2 also states the County shall make every effort to map “Ecologically Sensitive Areas...” in coordination w/state, federal and local resource agencies

GPU Policy ER-3.1 indicates that the County is firmly committed to protect, maintain, restore and enhance sensitive plant communities including, some of the above plus:

GENERAL PLAN UPDATE

If proposed GPU Policy ER-1.2 and other related ones are to be adopted to govern in the coastal zone, they will have to be revised to embody the Coastal Act ESHA definition and protection measures. (see recommendations regarding retaining and updating current LCP policies below).

The General Plan Update would benefit from having a uniform ESHA definition that states that the following habitat types are ESHA:

- All habitats important to species listed pursuant to either the state or federal Endangered Species Acts as rare, threatened, endangered, or candidate
- All habitats important for other sensitive species such as species of restricted occurrence and unique or especially valuable examples of coastal habitats (including CNPS List 1A, 1B, and 2 species, Species of Special Concern identified by DFG, etc)¹⁴
- Any plant communities identified by CNDDDB as high priority¹⁵
- All coastal wetlands, salt marshes, lagoons, sloughs and estuaries
- All freshwater wetlands including vernal pools, sag ponds, seeps, marshes, wet meadows, and any wetlands associated with stream corridors
- All riparian habitat types
- Coastal Terrace Prairie/Valley Needlegrass Grassland
- Oak Woodland

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Sycamore alluvial woodland marshes, wet meadows</p> <p>GPU Action ER-1.a directs the County to utilize the most current available information regarding state and federal rare, threatened, and endangered or special status plant and animal species. The action further indicates that data for these maps will continue to be collected and updated by the County as new information becomes available.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County Land Use Plan</u> No Co LUP Appendix B Glossary & Section 2.3 intro Defines ESHA as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities. Lists categories of ESHA (see Summary Table below)</p> <p>No County LUP policy 2.3.2.5 requires field surveys to determine precise locations of habitats.</p> <p>No County LUP Introduction section 1.2 incorporates resource maps (that were prepared in 1982) but notes that their intended use is for</p>	<ul style="list-style-type: none"> • Central Maritime Chaparral • Bishop Pine forest • Chamise-Monterey manzanita dwarf coastal chaparral • Coastal strand • Coastal sand dunes • Central dune scrub • Coast Redwood forest • All nesting areas including rookeries • Important roosting sites • Monarch butterfly mass overwintering sites • Wilderness and primitive areas identified by US Forest Service <p>Proposed GPU Action ER 1.a should be adopted as is.</p> <p>Adopt as an action for the County to prepare, in consultation with relevant resource agencies, a procedural guidance document that details how important habitats are to be delineated for specific species. This would be used by staff and consultants in delineating specific habitat areas and would be in a form that would be updated as new information is available and as agencies determine appropriate delineation protocols. (See also Recommendations for SH-15 Public Agency Coordination.)</p> <p><u>COASTAL LAND USE PLANS</u> Retain No Co LUP Appendix B Glossary & Section 2.3 intro ESHA definition (this may be incorporated into one coastal zone wide ESHA listing and definition).</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

generally illustrative purposes only and that they are not definitive and do not substitute for careful field checking. Says as new information becomes available maps will be updated.

Del Monte Forest Land Use Plan

DMF LUP: ESH Introduction defines ESHA similar to No Co. Provides “examples” of ESHAs. Says a “complete listing” is included as Appendix A (see chart below) and the locations are shown in Figure2 ESHA map. Figure 2 is included in the LUP. Has a note that precise boundary for Cypress habitat is dependent on site-specific survey. Appendix A states that ESHAs include the following (see Summary Table below):

DMF LUP Introduction says supporting maps may be outdated and are superseded by the maps in the LUP.

Del Monte Forest LUP ESHA map: similar to No Co

Carmel Area Land Use Plan

Carmel LUP Section 2.3.1 defines ESHA similar to No Co definition; (see chart)

Carmel LUP policy 2.3.3.5 similar to No Co’s on field surveys.

Carmel LUP Introduction section 2.1 Similar in wording to No Co.

Carmel LUP Policy 2.3.2 further elaborates what is ESHA (see Summary Table); includes language that in addition to listed species in the policies, other species from time to time may be added or deleted from the list.

Carmel LUP ESHA map: similar to No Co

Big Sur Land Use Plan

Big Sur LUP Section 3.3 defines ESHA similar to No Co. (see Summary Table)

Big Sur LUP Introduction section 3.1 Similar in wording to No Co.

Revise wording of DMF LUP ESHA introduction to clarify that Appendix A is a listing of **examples** of known ESHAs at the time and not the complete list. Also revise DMF LUP Introduction to incorporate language from No Co Intro Section 1.2, or as suggested above, replace with a coastal zone wide ESHA listing and definition based on No Co’s and the above recommendation.

Retain Carmel LUP Section 2.3.1 ESHA definition (this may be incorporated into one coastal zone wide ESHA listing and definition).

Retain Big Sur LUP Section 3.3 ESHA definition (this may be incorporated into one coastal zone wide ESHA listing and definition).

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Big Sur LP Policy 3.3.2.2. Similar to No Co's on field surveys.

COASTAL IMPLEMENTATION PLAN

IP Intro to Resource Maps Appendix 2 states they are to be used in conjunction with site inspections for purposes of requiring biological reports... As new information is received, County staff will update the maps.

North County IP Chapter

No Co IP ESHA map show key wildlife areas such as seabird rookeries, water-associated bird habitat, coastal wetlands etc.

No Co IP definition section 20.144.020.EE: Environmentally Sensitive Habitats are areas in which plant or animal life or their habitats are rare or particularly valuable because of their special nature or role in an ecosystem. Environmentally sensitive habitats are also areas susceptible to disturbance or degradation by human activities and developments. Examples are riparian corridors and Areas of Special Biological Significance identified by the State Water Resources Control Board; rare and endangered species habitat; all coastal wetlands and lagoons; all marine wildlife haul-out, breeding and nesting area; education, research and wildlife reserves, including all tideland portions of the California Sea Otter State Fish and Game Refuge; nearshore reefs; tidepools; sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; Monarch butterfly mass overwintering sites; and wilderness and primitive areas. The California Coastal Act limits uses to those which are dependent on such resources: examples include nature education and research, hunting, fishing and aquaculture.

No Co IP Section 20.144.040.A has requirements for biologic reports to locate sensitive habitats.

Del Monte Forest IP Chapter

Del Monte Forest IP ESHA map: similar to No Co

COASTAL IMPLEMENTATION PLAN

Retain IP Intro to Resource Maps Appendix 2

Retain No Co IP definition section 20.144.020.EE (this may be incorporated into one coastal zone wide ESHA listing and definition).

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

DMF IP Section 20.147.020(H) defines ESHA similar to No Co

DMP IP Section 20.147.040.A has requirements for biologic reports to locate sensitive habitats similar to No. Co.

Carmel Implementation Chapter

Carmel IP ESHA map: similar to No Co

Carmel IP Sections 20.146.020 GG & HH definitions of Sensitive Native habitats: Any of the native habitats described in this ordinance and/or those identified on maps maintained by the County of Monterey and/or any species determined by the Board of Supervisors to be unique and worthy of a special protection. Any dispute over the extent or sensitivity of any specific habitat shall be decided by the Monterey County Planning Commission.

Sensitive Species: Those locally rare or unique plants defined as endemic, relict or disjunct. In the Carmel area, rare/endangered and sensitive species include Hickmans' Onion, Sandmat manzanita, Monterey Ceonothus, Hutchinsons' Delphinium, California Dichondra, Point Lobos Eriogonum, Gardners' Tampah, Rhododendrons and other species that from time to time may be added or deleted from this list.

Carmel IP Section 20.146.040.A has requirements for biologic reports to locate sensitive habitats similar to No. Co.

Big Sur Implementation Chapter

Big Sur IP ESHA map: similar to No Co.

Big Sur IP Section 20.145.020.EE definition of ESHA same as No Co IP

Big Sur IP Section 20.145.040.A has requirements for biologic reports to locate sensitive habitats similar to No. Co.

Summary Table of ESHA Types Specifically Mentioned in the LCP:

	NCo	DMF	Car	BigSur	IP
--	-----	-----	-----	--------	----

Retain DMF IP Section 20.147.020(H) (this may be incorporated into one coastal zone wide ESHA listing and definition).

Retain Carmel IP Sections 20.146.020 GG & HH (these may be incorporated into one coastal zone wide ESHA listing and definition).

Retain Big Sur IP Section 20.145.020.EE (this may be incorporated into one coastal zone wide ESHA listing and definition).

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

	LUP	LUP	LUP	LUP	
Habitat Types					
Riparian corridors	yes	yes	yes	yes	yes
Areas of Special Biological Significance (identified by the State Water Resources Control Board)	yes	yes	yes	yes	yes
Rare, endangered and threatened species and their habitat	yes	yes	yes ⁷	yes	yes
Other sensitive species and habitats such as species of restricted occurrence and unique or especially valuable examples of coastal habitats	yes	yes	yes ⁸	yes	yes
Saltwater marshes	yes				
All coastal wetlands and lagoons	yes		yes	yes	yes
Natural freshwater marshes	yes	yes			
Natural seasonal ponds		yes			
Sloughs	yes				
All marine wildlife	yes				
All marine wildlife haul-out areas	yes	yes	yes	yes	yes
All marine breeding areas				yes	yes
All nesting areas				yes	yes
Rocky intertidal areas		yes	yes		
Rookeries		yes	yes		
Important roosting sites		yes	yes		
Education, research &				yes	yes

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

wildlife reserves, including all tideland portions of the Cal. Sea Otter State Fish & Game Refuge							
Nearshore reefs		yes	yes	yes	yes		
Beaches	yes						
Coastal strand	yes						
Tidepools				yes	yes		
Sea caves				yes	yes		
Islets and offshore rocks		yes	yes	yes	yes		
Kelp beds	yes	yes	yes	yes	yes		
Monterey Bay	yes						
Indigenous dune plant habitats	yes			yes	yes		
Monarch butterfly mass overwintering sites				yes	yes		
Wilderness and primitive areas				yes	yes		
<u>Specific Species Mentioned</u>							
Monterey Cypress forest		yes	yes		yes ⁹		
Gowen Cypress forest		yes	yes		yes ¹⁰		
Monterey Pine forest		yes	yes ¹¹		yes ¹²		
Bishop Pine forest		yes			yes ¹³		
Hickman's Onion			yes				
Sandmat manzanita		yes	yes				
Monterey Ceanothus		yes	yes				
Hutchinson's delphinium			yes				
California dichondra			yes				
Point Lobos eriogonum			yes				

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Gardener's tampah			yes				
Northern Coastal Prairie			yes				
Chamise-Monterey manzanita dwarf coastal chaparral			yes				
Endemic shaggy bark manzanita – significant occurrences only		yes					
Maritime Chaparral	yes						
Coast Redwood forest			yes				
Coastal sand dunes	yes	yes					
Southern Sea Otter, nursery		yes					
Southern Bald Eagle, nesting, feeding, and resting areas		yes					
California Brown Pelican, inshore feeding & resting areas esp. Bird Rock		yes					
California Least Tern, shoreline feeding & resting areas		yes					
American Peregrine Falcon, nesting areas		yes					
Smith's Blue Butterfly, dune areas, Pt. Lobos buckwheat		yes					
Hickman's cinquefoil		yes					
Coastal Dunes milk vetch		yes					
Menzies wallflower		yes					
Tidestrom's lupine habitat, dune areas		yes					

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Eastwood's goldenfleece habitat, sand areas		yes					
Monterey clover habitat, Gowen Cypress area		yes					
Pacific Grove clover habitat, Indian village area		yes					
Seaside painted cup habitat, dune and shoreline areas		yes					
Beargrass, disjunct occurrences on Huckleberry Hill		yes					
Coast rhododendron		yes					
rhododendrons			yes				
Hutchinson's larkspur habitat		yes					
ISSUE SH-2: Shoreline Resources Ensure that resources adjacent to or in the nearshore marine environment are protected.							
<i>County Policies and Comments</i>				<i>Recommendations</i>			
Summary Comment: The LCP has the noted marine information, however, updates are necessary (as discussed in Issue SH-1 ESHA identification). Also, as noted below, there can be better communication between the resource agencies and Monterey County.				Summary: Adopt an action to use most current scientific information to identify shoreline resources.			
Same policies as for Issues SH-1 ESHA Identification and SH-15 Public Agency Coordination				Adopt an action for planners and consultants that prepare biologic report to consider NOAA's Environmentally Sensitivity Index (http://www.uscg.mil/d11/msosf/Plans/ACP/2000files/Vol%202/9974.pdf) when reviewing projects on or near or potentially impacting the			

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

	<p>shoreline.</p> <p>Also see Issues SH-1 ESHA Identification and SH-15 Public Agency Coordination Recommendations. Incorporate this source into the recommended manual.</p>
<p>ISSUE SH-3: Biologic Reports Ensure that biologic report recommendations be consistent with all applicable plan policies so as to ensure that the policies are implemented.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: All coastal segments are governed by LCP provisions to require that biological report recommendations are consistent with applicable plan policies, except for Del Monte Forest. Since biological report recommendations often become conditions of County coastal permits, this oversight means that in Del Monte Forest permits may not be conditioned in a manner consistent with the LCP.</p> <p>To date the General Plan Update does not directly address this issue.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP</u> policy 2.3.2(5) requires field surveys to determine precise locations and to recommend mitigating measures to ensure protection of any ESHA present. Additionally, the survey is required to document that the proposed development complies w/all applicable ESHA policies.</p> <p><u>DMF LUP</u>: same policy language as Big Sur LUP.</p> <p><u>Carmel LUP</u>: same policy language as No. County LUP</p> <p><u>Big Sur LUP</u>: policy 3.3.2(2) requires field surveys to determine precise locations & recommend mitigation.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p>	<p>Summary: Adopt uniform policy to require and ensure that the evaluation contained in required biological surveys is based on adopted policy.</p> <p><u>COASTAL LAND USE PLANS</u> Adopt No Co. and Carmel LUP cited policy language coastal zone wide but change the term “field survey” to “biological survey” –for internal consistency.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>No Co IP Section 20.144.040.A.j is similar to LUP.</p> <p>DMF IP Section 20.147.040.B2 requires bio reports to have mitigation measures, but not explicitly tied to LCP.</p> <p>Carmel IP Section 20.146.040.B is similar to LUP.</p> <p>Big Sur IP Section 20.145.040.A.4.j does require biological reports to contain an assessment of LCP consistency</p>	<p>Retain No Co, Carmel, and Big Sur IP language.</p> <p>Similarly revise DMF IP section to be consistent with other segments' and policy language recommended above..</p>
<p>ISSUE SH-4: Resource-dependent Uses in ESHA Ensure that disturbance in sensitive habitat areas is only allowed if the use is dependent on the habitat so as to be consistent with Coastal Act.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: All segments except Big Sur are governed by the Coastal Act limitation of only-resource dependent uses in sensitive habitats. All segments, except possibly Carmel Area, are governed by the Coastal Act limitation of no significant disruption of sensitive habitats. (Carmel Area is covered to the extent that “small-scale” equates with “no significant disruption.”) Thus, there is the potential for sensitive habitats to not receive the full protection required under the Coastal Act in Carmel Area and Big Sur.</p> <p>To date the General Plan Update does not directly address this issue.</p> <p><u>GENERAL PLAN UPDATE</u> policies do not specifically preclude non-resource dependent development within ESHAs.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP:</u> Policy 2.3.2.1 specifically states this.</p> <p><u>DMF LUP:</u> Policy 8 specifically states this.</p>	<p>Summary: Adopt policy that ensures that sensitive habitats are not significantly disrupted and that only resource-dependent uses are allowed within them.</p> <p><u>GENERAL PLAN UPDATE</u></p> <p><u>COASTAL LAND USE PLANS</u> Retain No Co 2.3.2.1 language and apply countywide.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Carmel LUP: Policy 2.3.3(1) specifically states this; also allows small-scale development necessary to support resource-dependent development to be in ESHA.

Big Sur Land Use Plan

Big Sur LUP: Policy 3.3.2.1 addresses no significant disruption of habitat but no specific policy on resource-dependency.

COASTAL IMPLEMENTATION PLAN

No Co IP Section 20.144.040.B.1 same as LUP

DMF IP has some specific indication of uses allowed and not allowed within sensitive habitats, but no general statement.

Carmel IP Section 20.146.040. B.1 same as LUP

Big Sur IP Section 20.145.040.B.1 same as LUP; hence lacks resource-dependence concept.

Summary Table of What LCP Allows In ESHAs:

	North County	Del Monte	Carmel	Big Sur
Only resource-	yes	yes	yes	no
Specific uses	Nature education,	Some recreation	Nature education,	None specified

Revise Carmel Area and Big Sur LUP policies to include existing language from No. County and DMF LUPs.

COASTAL IMPLEMENTATION PLAN

Retain No Co IP Section 20.144.040.B.1 language and apply countywide.

Revise Carmel Area and Big Sur IP section to include existing language from No. County LUP/IP.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

			resource dependent		
No significant disruption criteria	Yes & minimize land disturbance	Yes;	Not specifically (small-scale provision may result in this);	Yes & minimize land disturbance	
Exceptions allowed		Certain rehab. areas	One minor intersection project		
ISSUE SH-5: Subdividing ESHA Ensure that no new parcel is created where the only building site would be within a sensitive habitat area.					
<i>County Policies and Comments</i>			<i>Recommendations</i>		
Summary Comment: While a reading of the current LCP policies would suggest that new lots shall not be created without a building site out of ESHA, this is not explicitly stated except in the Del Monte LUP policy. The other current language is not directive enough to ensure that the resulting lot patterns adequately protect habitats and provide for buffers and continuity. To date the General Plan Update does not directly address this topic. <u>GENERAL PLAN UPDATE</u> GPU Policy ER-1.1 somewhat relates to this issue by directing further growth into urban areas to avoid further land development in habitat areas. Proposed densities are 1du/40acres in rural areas –outside of Community Areas and Rural Centers, but even these densities do not fully guarantee the needed result.			Summary: Adopt a policy governing land divisions that does not allow the creation of a lot where the building site would be in, or would adversely impact, ESHA. <u>GENERAL PLAN UPDATE</u>		
<u>COASTAL LAND USE PLANS</u> No. County Land Use Plan:			<u>COASTAL LAND USE PLANS</u> Retain and adopt coastal zone wide language in No. County LUP Policy		

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

No. County LUP Policy 2.3.2.1 states only resource dependent uses are permitted within sensitive habitat areas.
No Co LUP Policy 2.3.2(4) specifically precludes further subdivision of land totally within sensitive habitat areas. And where parcels contain “sensitive habitats, development shall be clustered...”

No Co LUP Policy 2.3.2.6 requires using easements where land divisions are proposed in areas containing environmentally sensitive habitats.

Del Monte Forest Land Use Plan

DMF LUP: Policy 8 relates to limiting building on ESHAs

DMF LUP: Policy 10 states that no residential subdivision shall be allowed unless it is first demonstrated that, for each new residential lot, normal residential development, including driveway and utility connections, is feasible without damage to any environmentally sensitive habitat.

Carmel LUP: Policy 2.3.3(4) states land totally within sensitive habitat areas shall not be further divided. Similar text to No Co LUP policy 2.3.2.4

Big Sur LUP: no specific policies addressing these subdivision issues.

COASTAL IMPLEMENTATION PLAN

IP No. County: Section 20.144.040(B)(3) & (5), limits building in ESHA; permits new subdivisions containing ESHA only if adverse impacts to

2.3.2.4 to preclude further subdivision of land totally within sensitive habitat areas as a stand-alone policy.

Retain and merge into one coastal zone wide policy language in No Co LUP policies 2.3.2.4 to protect contiguous areas of undisturbed land and 2.3.2.6 to protect this land through legal restrictions. Include in this concept legal protections over connecting and buffer lands. Also, add to this policy language to allow creating a new parcel only if can be developed (including construction of any necessary access road), without building in ESHA or in an ESHA buffer, or removing ESHA for fuel modification. Also prevent creation of new parcels that would result in the fragmentation of sensitive habitat areas. (Extract text from the No. Co. & Big Sur IP regulations that require the ESHA will remain contiguous and the only new building lots created shall be sufficiently buffered from the ESHA and prevent adverse impacts to the ESHA; prevent creation of new building lots/parcels where the majority of the parcel is in sensitive habitat.)

COASTAL IMPLEMENTATION PLAN

Revise IP in a manner consistent with above recommendation to prohibit further subdivision of land totally within sensitive habitat areas; prohibit

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>ESHA are prevented, requires clustering, requires assessing cumulative impacts; requires where feasible, including contiguous areas and corridors of native vegetation for wildlife and plant species and use conservation easements to help achieve this among other techniques.</p> <p><u>IP DMF</u> Section 20.147.040.B.1 precludes new residential parcels whose only building site is in the buffer area of an environmentally sensitive area. Section 20.147.040.B.4 limits new land uses in environmentally sensitive areas to resource dependent uses, including education research, fish and wildlife management activities, trails with no adverse impact. Section 20.147.040.B.6 addresses subdividing adjacent to sensitive habitat.</p> <p><u>IP Carmel</u> Section 20.146.040.B.5: states clustering shall be required for parcels containing sensitive habitat – does not specifically mention new subdivision of land containing sensitive habitat nor the need to legally restrict contiguous or buffer lands.</p> <p><u>IP Big Sur</u>: same language as No. County IP.</p>	<p>creating a new parcel that would not have a building site outside of a sensitive habitat area; and prevent creation of new parcels that would result in the fragmentation of sensitive habitat areas.</p>
<p>ISSUE SH-6: Mitigation for Habitat Loss Ensure that there is adequate compensatory mitigation required for unavoidable impacts from allowable development in environmentally sensitive habitat so as to maintain overall habitat consistent with Coastal Act policy.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP does not have explicit language mandating minimum replacement ratios for habitat acreage lost. While the main policy thrust is to preserve habitat, there will continue to be instances of uses being allowed in the habitat (e.g., either permitted resource-dependent uses or some minimal development to prevent a taking of property). Since these could occur without a compensatory mitigation requirement, there is potential for overall habitat loss, which is inconsistent with Coastal Act mandates.</p>	<p>Summary: Adopt a policy that specifies a minimum of three-to-one replacement of disturbed sensitive habitat acreage due to permitted development.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

To date the General Plan Update has some minimum replacement ratios for individual trees, but not for the forest habitat acreage nor for other ESHAs.

GENERAL PLAN UPDATE

GPU Policy ER-1.3 seeks mitigation but does not specify ratios.

GPU Policy ER-3.4 lists ratios 5:1 for native oaks, 3:1 for other trees.

GPU Policy ER-3.3 allows mitigation measures to avoid disturbance to sensitive plant communities but other than listing the option to transplant to offsite locations, does not include an in lieu fee or mitigation option.

GENERAL PLAN UPDATE

GPU Policy ER-3.4 may be adopted.

Adopt policy language coastal zone wide that requires minimum four-to-one acreage in-kind replacement ratios for the limited amount of cases where development is allowed in vernal pools or salt marshes and a minimum three-to one in-kind acreage replacement ration for other sensitive habitat areas, where policies do not otherwise mandate a specific ratio. Actual mitigation requirement could be greater based on biologic report determinations of significance of the resource to be lost, resulting status of the remaining resource and project impacts to it (e.g., will the remaining resource be fragmented? will its ecological productivity decrease? will it be adversely impacted by the adjacent approved project), replacement success rate experience for the resource to be lost, and recommendations from resource agencies. (See also Recommendations for Issue SH-1 ESHA Identification to develop better procedural guidance as to how to determine extent of habitat and Recommendations for ISSUE WQ-1 Dredging and Spoils for further wetland mitigation recommendations.)

Adopt an action to include in the recommended procedural document guidance on how to determine appropriate compensatory mitigation ratios and locations for each type of sensitive habitat.

Adopt an action to work with other agencies and non-profit land preservation groups for identifying potential mitigation areas for various types of sensitive habitats, creating in lieu fee programs to fund the required replacement mitigation, and establishing cooperative programs for these mitigation areas.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>COASTAL LAND USE PLANS</u> No. County, Carmel & Big Sur LUPs: no specific mitigation ratios required.</p> <p><u>Del Monte Forest Land Use Plan</u> DMF LUP Policy 12 requires mitigation with no specific ratios; refers to OSAC Plan.</p> <p>DMF LUP Ch 7 OSAC Plan has one-to-one replacement for Gowen Cypress at NCGA Golf Course.</p> <p><u>Carmel Area LUP</u> Carmel Area policy 2.3.4.Wetland.1 allows for off-site compensatory mitigation for one specific road project.</p> <p>Carmel policy 4.4.3.D.9 says that the Carmel River Inn should not disturb existing riparian vegetation but if any if disturbed during construction it shall be replaced with equivalent materials on a five-to-one basis.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> No. County IP, Section 20.144.050.C., Carmel IP, Section 20.146.060.D.6, Big Sur IP, Section 20.145.060.D.6 require 1:1 mitigation ratio for tree replacement; but has no specific mitigation ratio for total habitat area that is impacted.</p> <p>DMF IP Section 20.147.040.B.2 same as DMF LUP</p>	<p><u>COASTAL LAND USE PLANS</u></p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Adopt IP policy language similar to recommended policy above. Provide for implementation through biological reports. Require analysis of where to locate compensatory mitigation on or off site that best maintains habitat continuity and success. Allow for compensatory mitigation option where there is an established program undertaking restoration of the habitat in question.</p>
<p>ISSUE SH-7: Non-natives as Habitat Ensure that when non-native trees serve as habitat, any removal of such trees is allowed and performed only in accordance with habitat protection policies.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: While the current LCP has specific policies to protect sensitive habitats, specific tree removal policies (except for the Carmel Area) do not explicitly account for the fact that some</p>	<p><i>Recommendations</i></p> <p>Summary: Adopt clear, internally consistent policies that address protection of non-native trees that serve as sensitive habitat.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

non-native trees may provide habitat. Also some current LCP provisions actually conflict with this fact. Therefore, habitat protection is not completely ensured.

To date the General Plan Update does not directly address this issue.

GENERAL PLAN UPDATE

no specific policies on this topic.

COASTAL LAND USE PLANS

North County Land Use Plan

No. County LUP: 2.2.3(6) related to protection of tree removal; regulates removal of native trees & other “significant vegetation” in accordance w/sections 2.3.2, 2.3.3, 2.6.2 & 2.6.3.

No. County LUP: Policy 2.3.4.5 suggests a program to control non-natives.

DMF LUP: Policy 32 allows removal of non-native species at owner’s sole discretion.

Carmel LUP: Policy 2.5.3.3 encourages removal of non-native trees except where it provides important wildlife habitat.

GENERAL PLAN UPDATE

Adopt a qualifying coastal zone wide policy: As part of any biologic report identifying non-native vegetation as providing sensitive habitat, include an assessment of any adverse affects on native species (e.g. birds) caused by the non-natives. Where there are potential adverse effects or there is a desire to return to native vegetation, include a management plan (developed with assistance from the appropriate agency such as DF & G) that will replace non-natives with natives in phases so as not to disturb the habitat.

Adopt an action to have a program for tracking information on positive and adverse characteristics of non-native species found in the County and for disseminating information and recommendations on replacing them with natives.

COASTAL LAND USE PLANS

Add language of Carmel LUP policy 2.5.3.3 to No. County LUP policy 2.2.3.6. (See also Issue SH-9 Tree Removal recommendations.)

Revise DMF LUP policy 32 to protect non-native trees when they serve as habitat (e.g. eucalyptus for monarch butterfly overwintering sites).

Retain Carmel LUP policy 2.5.3.3. (See also Issue SH-9 Tree Removal recommendations.)

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>Big Sur LUP</u> Big Sur policies 3.5.2.3 & 4.1.3.B.2 encourage removal of non-natives. Other policies have caveats for view protection (but not habitat protection).</p> <p>Big Sur policy 5.4.2.13 says that non-native tree removal does not need coastal permit authorization unless it would result in exposure of structures in the critical viewshed.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> No Co. IP Section 20.144.050.A.2 says no permit is required for removal of non-native trees; somewhat contradicted by Section 20.144.050.C.1 that protects non-natives if they are landmark trees. It also states, “where a tree proposed for removal may potentially act as a nesting or roosting location for a rare, endangered, or threatened species, a biological survey report shall be required...”</p> <p>DMF IP Section 20.147.050.D.2 & Attachment 1 requiring forest management plans same as LUP.</p> <p><u>Carmel Implementation Chapter</u> Carmel IP Section 20.146.060.A.1.a requires a coastal permit for removal of non-native tree that provides habitat Carmel IP Attachment 1 section 2.D.2.a does not apply forest management plan and permit for non-native tree removal (Note: this provision is inconsistent with other Carmel Area provisions.)</p> <p><u>BS IP</u> Attachment 1 section 2.D.2.a does not apply forest management plan and permit for non-native tree removal.</p>	<p>Revise Big Sur LUP policy 3.5.2.3 to use Carmel LUP policy 2.5.3.3 language.</p> <p>Revise Big Sur LUP policy 5.4.2.13 to require a permit where the non-native tree serves as sensitive habitat.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Revise No Co. IP Section 20.144.050.A.2, DMF IP Section 20.147.050.D.2, DMF IP Attachment 1 section 2.D.2.a; Carmel IP Attachment 1 section 2.D.2.a; BS IP Attachment 1 section 2.D.2. Amplify consistent with above policy recommendations to account for any adverse affects on native species (e.g. birds) caused by the non-native tree(s). Use language of No Co IP Section 20.144.050.C.1 to require biologic review, but broadened to encompass all sensitive species. Suggest that in consultation with biologist determine whether to replace non-natives with natives in phases so as not to disturb the habitat.</p>
<p>ISSUE SH-8: Timber Harvest Ensure that timber harvest provisions are consistent with Coastal Act ESHA, visual and other policies in a manner that complies with State law governing authority over timber harvests.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Summary Comment: The current LCPs have appropriate provisions to ensure that the location of timber harvesting, and the manner of timber harvesting (in circumstances where governments retain authority to regulate such harvesting), account for Coastal Act concerns. The current LCP zoning provisions correctly indicate the County's lack of authority to regulate timber harvesting that the State regulates, but the text in the land use plans is not as clear. Also, the Carmel and Big Sur LUPs make a distinction (to not allow large-scale commercial logging, but to allow limited selective logging as one measure to maintain healthy forests) that may not be consistent with State law. The provision to rezone land on which timber harvesting is approved to Resource Conservation is contradictory.

GENERAL PLAN UPDATE

GPU Policy ER-3.11 states that commercial harvesting of commercial timber species shall be regulated by permit and must be in conformance with the policies of this plan carried out in compliance with all applicable State and Federal laws, most notably the Forest Practices Act of 1973 with amendments, the California Environmental Quality Act, and the Special Treatment Area Criteria for the Monterey County area adopted by the California Coastal Commission, and the State Board of Forestry. Only state licensed timber operators may conduct commercial logging operations.

GPU Policy ER-3.12 states that as required by state law, applicants for timber harvest permits shall first file and receive approval from the California Department of Forestry for a Timber Harvest Plan (THP). The County shall review the THP for environmental impacts and consistency with the policies of this plan. The Timber Harvest Plan will be required to provide substantive consideration of alternative harvesting systems that have less environmental impact, before tractor yarding is allowed.

GPU Policy ER-3.13 states that Timber Harvest Plans shall use sound forest management best practices and principles to protect the natural ecosystem to the maximum extent and in accordance with all applicable

Summary: Retain provisions addressing timber harvest but add a clear explanation of their potential applicability under State law.

GENERAL PLAN UPDATE

Revise GPU Policy ER-3.11 as follows: Commercial harvesting of commercial timber species shall be regulated pursuant to the Forest Practices Act of 1973, as amended, and Forest Practice Rules adopted by the Board of Forestry pursuant to the Act, which include rules for Coastal Commission Special Treatment Areas and Monterey County Rules.¹⁶ To the extent permitted by State law, timber harvesting shall be undertaken in conformance with the policies of this plan.

Revise GPU Policy ER-3.12 as follows. The County shall review the THP for environmental impacts and consistency with the policies of this plan in order to provide comment to and participate in the review process of the Department of Forestry.

GPU Policy ER-3.13 may be adopted with the caveat that this is an advisory, not regulatory, policy as the County does not have regulatory authority to approve timber harvest plans (see other recommendations in

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Federal, State and County codes and statutes.

GPU Policy ER-3.14 states that soil or stream disturbance resulting from commercial timber harvest shall not be allowed between October 15 and April 15. Erosion control programs shall be accomplished and certified by the Department of Forestry by September 30 of each year.

GPU Policy ER-3.15 states that all salvage or selective logging activities shall take place outside the riparian corridor except the felling of trees. Best available methods to protect riparian corridors when felling of trees must be followed to avoid disturbance to streams, rivers, and drainage ways.

COASTAL LAND USE PLANS

Carmel Land Use Plan:

Carmel Section 2.5.1 is an overview.

this section).

GPU Policy ER-3.14 may be adopted with the caveat that this is an advisory, not regulatory, policy for the circumstances in which the County does not have regulatory authority over the conduct of timber operations (see other recommendations in this section).

GPU Policy ER-3.15 may be adopted with the caveat that this is an advisory, not regulatory, policy for the circumstances in which County does not have regulatory authority over the conduct of timber operations (see other recommendations in this section).

Add an action for the County to review and monitor State forestry law and associated court cases to determine whether to be more explicit in its land use designations and zoning district provisions as to whether and where timber harvesting is permitted.¹⁷

COASTAL LAND USE PLANS

Revise last part of Carmel Section 2.5.1 as follows:

Regulation of the use of forest resources on private lands is the responsibility of Monterey County and the State Department of Forestry. In the past, the County has regulated logging through a use permit process, relying on the Department of Forestry for technical advice. This State agency administers the harvest according to the requirements of the Forest Practices Act of 1973. Under the Forest Practices Act, the State Department of Forestry and Fire Protection has sole regulatory authority over most commercial timber operations, although the County can provide comments on such operations through its participation in technical review committees where it lacks regulatory authority. The County has regulatory authority (i.e., can issue coastal development permits) for some types of timber cutting that are not covered by the Forest Practices Act (such as non-commercial timber harvest and harvesting of non-commercial tree species), and for commercial timber operations that are expressly subject to local regulation under the Forest Practices Act. The California Coastal Commission, as required by the

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Carmel LUP Policy 2.5.3.1 describes Special Treatment Areas designated by the CA Coastal Commission as required by the Coastal Act. (same language as in Big Sur)</p> <p>Carmel LUP Policy 2.5.3.5 similar to GPU Policy ER-3.11. However, it</p>	<p>Coastal Act, has designated some of the potential commercial forest area in the Carmel area as Special Treatment Areas. The Board of Forestry has approved special treatment area regulations which contain additional requirements governing the conduct of timber operations in these areas. In addition, the Board has adopted special rules which apply throughout Monterey County. The special treatment area and Monterey County regulations provide for specific objectives and guidelines to be carried out by the Department of Forestry <u>and Fire Protection, consequently, Monterey County</u>, in reviewing and approving any timber operations in the County. The rules are aimed generally at protecting public recreation areas, scenic values, soils, streams and wetlands.</p> <p>The demand for harvesting of commercial timber can be expected to increase. At the same time, there is pressure to preserve the Carmel area environment in its natural state for aesthetic, recreational, scientific, and wildlife habitat values. The concern that commercial harvesting could be highly destructive to the environment raises questions as to whether logging should be permitted at all and if so, under what regulations. <u>But the County may not regulate the conduct of timber operations that are subject to State regulation. The County can only designate in which areas timber harvesting is an allowed use. Of equal concern are tree and vegetation removal in general, and the need for effective regulation to control such activity.</u> Thus, the following policies addressing tree removal are applicable as follows:</p> <p><u>-to the extent that the County has authority to regulate tree cutting or removal (e.g. tree cutting or removal that is not subject to the Forest Practices Act or that is expressly subject to local regulation under the Act), they shall be applied through the coastal permit process;</u></p> <p><u>-to the extent that State law preempts County regulation of timber operations, they shall be used as guidance for the County in participating in the Department of Forestry and Fire Protection THP review process.</u></p> <p>Carmel LUP Policy 2.5.3.1 may be retained.</p> <p>See recommendation above regarding GPU Policy ER-3.11.</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

also applies to oak and madrone which are not regulated by the State Department of Forestry and Fire Protection.

Carmel LUP Policy 2.5.3.6 states that the County will require that applicants for timber harvest permits first file and receive approval from the California Department of Forestry for a Timber Harvest Plan (THP). The THP will then be reviewed by the County for environmental impacts and consistency with coastal plan policies. If environmental documents are required, they shall be and certified prior to Planning Commission consideration of the coastal use permit. The Timber Harvest Plan will be required to provide substantive consideration of alternative harvesting systems which have less environmental impact, before tractor yarding is allowed.

Carmel LUP Policy 4.4.2.9 states that large-scale commercial timber harvesting is an inappropriate use in the Carmel Area.

Big Sur LUP:

Big Sur Section 3.5 Forest Resources, is an overview which in part states that there are some areas within Big Sur designated by the CA Coastal Commission as required by the Coastal Act as Special Treatment Areas, where potential commercial forest areas exist. The designations provide for specific objectives and guidelines to be carried out and the rules are aimed at generally at protecting public recreation areas, scenic values, soils, streams, and wetlands.

Big Sur Policy 3.5.2.5 similar to GPU Policy ER-3.11

Big Sur Policy 3.5.2.6 similar to Carmel LUP policy 2.5.3.6

Big Sur policy 3.5.3.10 states that areas where timber is harvested shall be zoned into a district which allows only low intensity recreational uses and emphasizes the highest and best use of the land as being the continued management of water, soil and trees for timber production.

Big Sur Section 5.3.1.1 describing allowed land uses within the National

Revise Carmel policy 2.5.3.6 to be consistent with State law; see recommendation for GPU Policy ER-3.12.

Revise Big Sur Section 3.5 same as for Carmel Section 2.5.1 and also add the following:

-for the large tracts of land under Federal control, the policies governing shall be used as guidance for participation in the federal consistency process or local government or Commission participation in the coastal permit process, where applicable.

Revise Big Sur Policy 3.5.2.5 as recommended for GPU Policy ER-3.11

Revise Big Sur Policy 3.5.2.6 as recommended for GPU Policy ER-3.12

Revise Big Sur policy 3.5.3.10 to read: Compatible uses in areas where timber is harvested are low intensity recreational uses and natural resource management or delete policy.

.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Forest designation includes that forestry can also be practiced under careful controls. Land uses permitted in the Ventana Wilderness portion of the National Forest are limited to backcountry recreation. Non-federal development within this designation will be subject to the same development standards and criteria as Watershed and Scenic Conservation category.

Big Sur Section 5.3.1.2 describes allowed land uses in Watershed and Scenic Conservation including the following: Protection of watersheds, streams, plant communities, and scenic values is the primary objective. Forestry is a secondary, conditional use that will be considered on its individual merit.

Big Sur Section 5.4.2.6 states that commercial timber harvesting is an inappropriate land use in Big Sur.

COASTAL IMPLEMENTATION PLAN

IP Sections 20.17.040 & .050 does not list timber harvest as an allowed use in the Watershed and Scenic Conservation zoning district

IP Section 20.06.310 defines development as not including timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Zberg-Nejedly Forest Practice Act of 1973.

IP Section 20.70.120.J exempts from coastal permits: Timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'Berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). Road development and grading work shall be considered part of the timber operation only if all of the following apply: 1. Such work is for the exclusive purpose of timber operations; 2. Such work is shown on the approved timber harvest plan; and, 3. Such work is located on the premises, within the immediate area of timber operations.

Carmel Chapter 20.146.060 contains regulations for tree cutting. Section

Add to Big Sur Section 5.3.1.2 a reference to Big Sur Section 3.5 regarding that in most cases the County does not have regulatory control to consider individual timber harvests on their merits.

COASTAL IMPLEMENTATION PLAN

Retain IP Section 20.06.310 as it pertains to timber harvest.

Retain IP Section 20.70.120.J.

Retain Chapter 20.146.060 as it pertains to tree cutting that the County

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>20.146.060.A.1.e states a coastal permit is not needed for a Timber Harvest Plan in accordance with State requirements.</p> <p>Big Sur Chapter 20.145.060 similar to Carmel Chapter 20.146.060 and Big Sur Land Use Plan policies.</p> <p>Big Sur Section 20.145.060.D.9 states that those portions of a parcel which become subject to a commercial timber harvest, including grading for landings and areas accessed by logging roads, shall be added to the "RC(CZ)" zoning district. Such rezoning shall be initiated by the County either when the Timber Harvest Plan is approved by the California Department of Forestry or when timber harvest commence, whichever is first. The rezoning shall not require a LUP or Implementation Plan amendment. (Note: pursuant to IP Sections 20.36.040 & 050 RC uses are limited to resource dependent educational and scientific research facilities, low intensity day use recreation, and the like).</p>	<p>regulates. (see other recommendations for specific changes to this chapter)</p> <p>Retain Chapter 20.145.060 as it pertains to tree cutting that the County regulates. (see other recommendations for specific changes to this chapter)</p> <p>Delete Big Sur Section 20.145.060.D.9.</p>
<p>ISSUE SH-9: Tree Removal Ensure that tree removal and replacement requirements are in compliance with habitat protect policies. (as well as are consistent with Coastal Act visual resource protection section 30251 and water quality section 30231)</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has fairly adequate provisions for requiring coastal permits for tree removal, except as noted above for non-natives. Non-natives may also be important for visual screening, but are only protected for that purpose in Big Sur. The current LCP requires Forest Management Plans where tree removal that requires permits occurs, except in North County. In North County only an assessment is required, which does not address long-term tree maintenance in relationship to site use and development and thus provides less assurance of long-term tree health. Only the Carmel Area LUP addresses snags, which provide important habitat, but the IP for Carmel in one location states the no permit is needed to remove them. The current LCP has good policies</p>	<p>Summary: Retain and refine policies to minimize tree cutting and to require replacing trees allowed to be removed. [Note: additional specific recommendations for Monterey pine forest may be forthcoming.]</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

for avoiding excessive tree removal. The current LCP has replacement criteria, but lacks a monitoring requirement.

Forest management plans are to be prepared by registered foresters and are separate documents from required biological surveys. This lack of mandated coordination between reports and the experts who prepare the reports may mean that habitat considerations do not end up being paramount, which the Coastal Act would require and that there may be inconsistencies in recommendations and hence in their implementation by property owners. The County lacks a staff forester, meaning that consultant-prepared forest management plans do not have independent review from qualified experts and hence may not be sufficient to protect trees.

To date the General Plan Update has welcome replacement criteria that will provide a uniform County standard and help restore forests that have dwindled over time. However, these criteria may not be possible to implement on, or be the best for, a single subject site. The General Plan Update has a welcome monitoring requirement, too.

GENERAL PLAN UPDATE:

GPU Policy ER-3.4 states where tree/native vegetation removal is unavoidable, a replacement of salvage/transplant program is required for replacement of native trees and vegetation. Requires replacement of native oak trees greater than 6 inches in diameter shall be at 5:1; other tree replacement of same diameter shall be 3:1. Program is to include maintenance and monitoring for a minimum of five years, verified through annual submittal of monitoring program to the County.

GPU Policy ER-3.5 relates to tree removal permits. Requires a permit for removal of any native tree in excess of six inches.

COASTAL LAND USE PLANS

North County Land Use Plan

GENERAL PLAN UPDATE:

Proposed GPU policy ER-3.4 may be adopted.

Proposed GPU policy ER-3.5 may be adopted

Adopt an action to hire or contract with a forester to review tree removal permits and forest management plans.

COASTAL LAND USE PLANS

Retain No. County LUP Policy 2.2.2(3).

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

No. County LUP: Policy 2.2.2(3) states that lots and access roads should be sited to minimize tree removal and visually intrusive grading during development

No Co policy 2.2.2(5) indicates structures should be located to minimize tree removal.

No Co policy 2.2.3(6) requires that existing native trees and other significant vegetation be retained to the maximum extent possible, removal of native trees shall be in accordance w/sections 2.3.2, 2.3.3, 2.6.2, 2.6.3; states a Tree Ordinance shall be developed for the North County coastal zone.

Del Monte Forest Land Use Plan

DMF LUP policy 32: Forest-wide specific criteria for removal of native tree species are as follows:

- Monterey cypress: within its indigenous range, removal of any size tree will ordinarily be allowed only in cases where life, property, or existing access is immediately threatened, or where a diseased tree is determined by a qualified professional forester to represent a severe and serious infection hazard to the rest of the forest. Elsewhere, treat same as Monterey pine.
- Gowen cypress: same criteria as for Monterey cypress.
- Bishop pine: same criteria as for Monterey cypress.
- Monterey pine: removal of any significant Monterey pine (living tree more than 12 in diameter) shall be in accordance with the forest management plan for that site. If no such plan has yet been approved for the site by the County or its designee, or an OSAC Maintenance Standard prepared, such plan will be prepared prior to any non-emergency tree removal. On small parcels, a brief standardized format may be used for forest management plans. As a minimum standard of review, the content of the OSAC Plan Forest Maintenance Standard for Shepherds Knoll (Parcel No. 4) shall be adhered to wherever applicable.
- Coast live oak: same criteria as for Monterey pine.
- Pacific Madrone: same criteria as for Monterey pine.
- Non-native trees: removal at owner's sole discretion.

Retain No Co policy 2.2.2(5).

Revise No. County LUP policy 2.2.3.6 indicating when non-native tree removal needs a coastal permit to include where they provide visual screening.

Revise DMF LUP policy 32 indicating that the County has authority over non-native tree removal where visual screening is provided (and where it serves as habitat, see Recommendations for Issue SH-7 Non-natives as habitat).

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

“In reviewing requests for tree removal, land clearing, and other development, preservation of scenic resources shall be a primary objective. Because of the regional significance of the forest resources, special consideration shall be given to the ridgeline silhouette, the corridors along Highway 68 and 17-Mile Drive, and the view from distant publicly accessible shoreline areas such as Pt. Lobos.”

Carmel Area Land Use Plan

Carmel LUP: 2.2.3(5) requires new subdivision that creates new development of the coastal hills and ridges east of Hwy. 1 to minimize tree removal.

Carmel LUP policy 2.2.3(7) requires minimizing tree removal for actual building site and access road for the development;.

Carmel LUP policy 2.2.4(10)(e) states existing trees should be retained to the maximum extent possible during and after the construction process.

Carmel LUP policy 2.3.3Rip.8 state, “Except where necessary to alleviate a hazardous situation, snag removal should be avoided in areas of Monterey pine, coast live oak, or coast redwood which are retained in open space use.”

Carmel LUP Policy 2.3.3.Rip.9 states, “The restoration of Northern Coastal Prairie in Point Lobos State Reserve should provide for the retention of snags along the ecotone and within the area to be converted to prairie.”

Carmel LUP Policy 2.3.3LU.8 states in part: A forest conservation and management program should be developed and implemented by the County and the State Department of Parks and Recreation to maintain those Monterey pine and Coast redwood forest areas retained as open space. The management program should include the following elements:
a. The retention of snags for wildlife use...”

Carmel LUP policy 2.5.3(2) requires cutting or removal of all trees to

Retain Carmel LUP policy 2.2.3(5).

Retain Carmel LUP policy 2.2.3.7.

Retain Carmel LUP policy 2.2.4(10)(e).

Retain Carmel LUP policy 2.3.3Rip.8 and adopt as a coastal zone wide policy.

Retain Carmel LUP Policy 2.3.3.Rip.9.

Retain Carmel LUP Policy 2.3.3LU.8.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>conform to the broad resource protection objectives of the LUP.</p> <p>Carmel LUP Policy 2.5.3.3 encourages removal of non-native trees except where it provides important wildlife habitat.</p> <p>Carmel LUP policy 2.5.3(8) states "...tree removal shall specifically conform to the LCP policies regarding water and marine resources, sensitive habitat area and coastal visual resources."</p> <p><u>Big Sur Land Use Plan:</u> Big Sur LUP policy 3.2.4(A)(2) - Structures and access roads shall be designed to minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover;</p> <p>Big Sur LUP policy 3.2.4(7) requires roads to be aligned to minimize removal of native trees;</p> <p>Big Sur LUP policy 3.3.3(9) states that commercial harvesting of old growth redwoods or rare or sensitive tree species is generally inappropriate;</p> <p>Big Sur LUP policy 3.5.2(2) requires all cutting and removal of trees to meet the broad resource objectives of the LUP.</p> <p>Big Sur LUP policy 5.4.2(13) allows for the removal of trees based on certain criteria such as hazardous trees, for thinning purposes to reduce fire fuel accumulation, non-native trees (all not to expose structures and consistent w/Forest resource policies etc.)</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> No Co IP Section 20.144.040.C.1.b (e) similar regulations apply to parcels w/oak woodland habitat.</p> <p>North County Section 20.144.040.B(8) General development standards limit removal of indigenous vegetation to that necessary for structural improvements and driveways.</p>	<p>Retain Carmel LUP policy 2.5.3(2).</p> <p>Revise Carmel LUP 2.5.3.3 to consider visual screening when encouraging non-native tree removal.</p> <p>Retain Carmel LUP policy 2.5.3.8.</p> <p>Retain Big Sur LUP policy 3.2.4(A)(2).</p> <p>Retain Big Sur LUP policy 3.2.4(7).</p> <p>Revise Big Sur LUP policy 3.3.3(9) to delete "generally."</p> <p>Retain Big Sur LUP policy 3.5.2(2).</p> <p>Retain Big Sur LCP policy 5.4.2.13, and revise per recommendation # above.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Retain existing IP provisions for Forest Management Plans, but add a monitoring, and substitute a replacement, requirement to be consistent with the new General Plan policy, and modify to be consistent with the following recommendations.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

No Co. IP Section 20.144.050 Subsection A has criteria for when coastal permits are required for tree removal. Some small, planted, non-native, hazardous, and diseased trees are exempted. Snags not specifically addressed. No Co. IP Section 20.144.050 Subsection B requires a Forester's assessment for three or more trees to be removed.

No Co. IP Section 20.144.050 Subsection C development standards limits the removal of native trees to that which is necessary for the development of the structure and access road or necessary for the improvement of an unhealthy forest; precludes tree removal within riparian corridor or wetland habitat. Tree replacement ratios are given for native trees of 12 inches or larger, or madrone or oak trees that are 6 inches or larger; oak tree shall be replaced on the parcel. Replacement is 1:1; protects trees close to construction site.

IP DMF: all tree removal within the native forest areas discussed in the ordinance shall conform to the development standards regarding water & marine resources, ESHAs, and scenic visual resources; if any standards conflict, preference is given to the standards providing the greatest long-term protection of the forest resource; tree removal requests are evaluated against the OSAC maintenance standards; specific regulations mirroring the LUP policies apply to specific tree species (e.g., Monterey cypress, Coast live oak etc.).

DMF IP Section 20.147.050 similar to No Co's in terms of required permits for tree removal; requires a forest management plan rather than a forester's assessment, which also includes a forest maintenance plan which covers the entire subject property

DMF IP Attachment 1 includes detailed requirements for forest management plan including 1 to 1 tree replacement (for natives > 12")

IP Carmel Area: criteria listed for when a forest management plan is required when removing trees; precludes removal of landmark trees of all native species (24" diameter or greater); or more than 1000 years old;

Revise Coastal Implementation Plan provisions, including Forest Management Plan provisions, to be consistent with above policy recommendations (e.g., snag retention, consideration of non-natives for habitat and visual protection).

Substitute a Forest Management Plan requirement for the "Forester's Assessment" in North County.

Adopt procedures for the coordination of required Biological Surveys and Forest Management Plans. Ensure that final coastal permit conditions and documents to be recorded are consistent and that habitat protection measures take precedence in cases of conflicts. (See Issue SH-6 Mitigation for Habitat Loss Recommendations to ensure that necessary mitigation covers entire forest habitat acreage that is lost, not just individual trees.)

Add a provision for the Forest Management Plan to review the required replacement trees to ensure that they can be accommodated on site in a manner that will ensure a healthy long-term forest. If not, extra trees should be part of an in lieu mitigation program to be planted elsewhere. (See Issue SH-6 Mitigation for Habitat Loss Recommendations to determine appropriate off-site mitigation locations.)

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>same regulations as other IP sections (removal of native trees limited to that necessary for the proposed development etc.); same replacement ratios and on-site replacement requirement.</p> <p>Carmel Area IP Attachment 1 Forest Management Plan: “Dead Trees: Because of their great value for wildlife habitat... large dead trees will normally be left in place. Smaller dead trees will normally be removed in order to reduce fire hazard. Because no Coastal Development Permit is needed for their removal, dead trees may be removed at the convenience of the owner, provided such removal is otherwise in conformance with the Carmel Area Land Use Plan and Implementing Ordinance and are designated by a qualified forester as being dead trees.”</p> <p>IP – Big Sur: similar regulations for tree removal as No. County: replacement ratio of 1:1 for removal of trees 12” in diameter or greater, limited to that necessary for the proposed development etc.; criteria listed for when a forest management plan is required when removing trees.</p>	<p>Adopt first sentence of Carmel IP provision for snags (incorporated in forest management plan considerations) coastal zone wide. Delete third sentence of this provision stating that a permit is not required because criteria for which tree removals need permits is covered elsewhere, and some snag removal would require permits.</p>
<p>ISSUE SH-10: Streambank Protection Ensure that alternatives to hard structures to protect streambanks are considered and required where appropriate so as to preserve sensitive habitat (and also to be consistent with Coastal Act Sections 30231 & 30236 for minimizing alterations of streams.)</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The LCP contains somewhat contradictory provisions regarding slope stabilization measures for creeks. A reading of the several relevant policies of the Coastal Act together would require stream alterations to be minimized and hard structures to be avoided; results that are not guaranteed by the current LCP.</p> <p>To date the General Plan Update does not specifically address this topic.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-1.3 seeks to protect riparian areas in their natural state.</p>	<p>Summary: Adopt policy to favor natural riverbank protection, where such protection is necessary.</p> <p><u>GENERAL PLAN UPDATE</u> Adopt coastal zone wide policy indicating the following:</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Bioengineering methods or “soft solutions” should be developed as a preferred alternative to constructing rock revetments, vertical retaining walls or other “hard structures” within or adjacent to riparian channels. If bioengineering methods are demonstrated to be infeasible, then other alternatives may be considered. Any applications for protective measures along riparian channels shall demonstrate that existing development is in danger from flood or geologic hazards or that habitat enhancement necessitates such measures, that the proposed protective device is the least environmentally damaging alternative, that the device is sited and designed to avoid and minimize impacts to the habitat values of the riparian corridor along the riparian channel, and that any unavoidable impacts have been mitigated to the maximum extent feasible. Any permitted stream alterations shall include BMPs such as incorporating vegetation in structure design, deflecting flow from eroding stream banks, and reshaping the eroding bank and establishing vegetation.¹⁸

COASTAL LAND USE PLANS

No. County LUP: Policy 2.3.2.1 precludes excavation, grading, filling, and construction of roads and structures within riparian corridors.

DMF LUP: Policy 8 indicates environmentally sensitive habitat areas, which include riparian areas, shall be protected from significant disruption of habitat values; land uses immediately adjacent to these areas shall be compatible with the long-term maintenance of the resource; development shall be sited and designed to prevent impacts that would significantly degraded the protected habitat.

Carmel LUP: Policy 2.3.3(1) precludes development, vegetation removal, excavation, grading, filling, and the construction of roads and structures in riparian corridors.

Big Sur LUP: Policy 3.3.2(1) same as Carmel LUP.

COASTAL IMPLEMENTATION PLAN

IP No. County regulation mimics same language as policy in LUP.

COASTAL LAND USE PLANS

In general retain these policies with regard to this issue, but see Recommendations for Issues SH-4 Resource-dependent Uses In ESHA and SH-5 Subdividing ESHA regarding these policies as well.

COASTAL IMPLEMENTATION PLAN

Adopt Implementation provisions that correspond to above policy

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>IP DMF</u> allows only permitted uses in riparian corridors (resource dependent). Requires a minimum 100' buffer on lands adjacent to ESHA.</p> <p><u>IP Carmel</u> allows only small-scale development necessary to support resource-dependent uses.</p> <p><u>IP Big Sur</u> virtually same language as No. County IP.</p>	<p>recommendation</p>
<p>ISSUE SH-11: Stream Buffers Ensure that there are buffers to avoid siting new development too close to streams, even where there may be a lack of riparian vegetation, so as to protect/preserve the biological integrity and ecologic function of streams.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Existing riparian setback requirements are inconsistent and do not always apply to the situation where there currently may be no riparian vegetation. Furthermore, they will not always result in buffering the riparian vegetation itself. Also, existing structures in stream setback areas would be considered legally non-conforming, but non-conforming provisions do not explicitly address the case of additions and rebuilds. Therefore, there may not be adequate buffering of streams, or of the riparian vegetation itself, as required by the Coastal Act.</p> <p>To date the General Plan Update provides for stream buffering in certain cases, but not all.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-2.5 establishes stream setbacks for Rural Centers only: 50' from bank edge of intermittent; 200' from bank edge of perennial.</p> <p>GPU Policy ER-2.7 applies to remaining lands; however is applicable to lands that contain "sensitive" wildlife habitat. Buffers/setbacks of 200' are required.</p>	<p>Summary: Revise stream buffering policies to be more consistent among segments, including at least 150 foot perennial stream edge setback, 100 foot riparian vegetation setback, and factoring in riparian restoration when allowing narrower setbacks.</p> <p><u>GENERAL PLAN UPDATE</u> Replace setbacks in GPU ER-2.5 with those listed in these other recommendations to apply coastal zone wide. (Note: the County may retain the 200' perennial stream setback for Rural Centers in the coastal zone.)</p> <p>Adopt a coastal zone wide requirement for a further 100 foot setback from the edge of riparian vegetation where riparian vegetation is present</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

COASTAL LAND USE PLANS

No County LUP: Policy 2.3.3(B)(1) states that riparian plant communities shall be protected by establishing setback requirements consisting of 150 feet on each side of the bank of perennial streams, and 50 feet on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater. In all cases, the setback must be sufficient to prevent significant degradation of the habitat area. The setback requirement may be modified if it can be conclusively demonstrated by a qualified biologist that a narrower corridor is sufficient or a wider corridor is necessary to protect existing riparian vegetation from the impacts of adjacent use.

DMF LUP Policy 24 protects riparian plant communities with a required 100' buffer from the centerline of intermittent streams where they occur or outer edge of the vegetation whichever is greater; narrower setback may be acceptable with biologic report; no policies for perennial streams; no provision if there is no riparian plant community.

Carmel LUP: Policy 2.3.4.Riparian.1 requires buffers of 150' for perennial streams & 50' for intermittent streams or the extent of vegetation whichever is greater; allows that narrower setback may be acceptable with biologic report; there is no setback provision if there is no riparian plant community.

Big Sur LUP: Policy 3.3.3(4) requires setbacks of 150' for all streams; narrower setback may be acceptable if protects existing vegetation and provides for vegetation restoration.

COASTAL IMPLEMENTATION PLAN

along the stream in question and the stream setback does not incorporate this riparian buffer.

Adopt a coastal zone wide requirement for greater setbacks if needed to protect endangered or threatened species, including anadromous salmonids.

COASTAL LAND USE PLANS

Revise No Co policy 2.3.3.B.1 to apply to all streams, not just those with riparian vegetation. Also, revise to require 100 foot intermittent stream setback and to factor any necessary riparian restoration into the determination to allow narrow setbacks.

Revise DMF policy 24 to measure setback from bank, not centerline and add a 150 foot setback for perennial streams.

Revise Carmel policy 2.3.4.Rip.1 to require 100 foot intermittent stream setback and to allow lesser setbacks if riparian restoration is included if needed.

Revise Big Sur policy 3.3.3.4 to apply to all streams, not just those with riparian vegetation and to require a greater setback to cover riparian vegetation that extends more than 150 feet.

COASTAL IMPLEMENTATION PLAN

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>IP Section 20.04.070 definition states that structural alteration means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior bearing partitions, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.</p> <p>IP Section 20.68.010 states that any use of land, structure or land and structure which was legally established but is nonconforming to subsequently adopted land use regulations is a legal nonconforming use.</p> <p>IP Section 20.68.040.A states that the enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations, may be permitted if the enlargement, extension, reconstruction or structural alteration conforms to all the regulations of the district in which they are located.</p> <p>IP Section 20.68.040.B states that ordinary maintenance and repairs, including structural repairs and foundations, may be made to any</p>	<p>Revise all IP provisions to correspond to land use plan recommendations above.</p> <p>Add to all IPs criteria for determining bank edge.</p> <p>Add to IPs additional criteria for when lesser setbacks can be allowed and to what extent, such as using buffer averaging. Ensure that there remains an area for riparian vegetation to grow, for maintenance access, for access for the development, and for compliance with any geologic setbacks.</p> <p>Add to IPs criteria for when a greater setback may be justified, such as higher stream order (more tributaries); greater percent slope; extent of 100-year floodplain; presence of wetlands or critical areas; presence of hazardous substances or petroleum storage, confined animal facilities or landfills.¹⁹</p> <p>Clarify IP Section 20.68.040.A to explicitly apply to nonconforming stream setbacks as well and that conformance to the stream standards will be required. (Note: although this provision would govern, it would not preclude allowing lesser setbacks according to the criteria to do so.)</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

structure which is nonconforming as to height or setbacks or to a structure used for a legal nonconforming use, provided:

- 1) no structural alterations are made; and
- 2) provided such work does not exceed 50 percent of the appraised value of the structure in any one year period.

No Co IP Section 20.144.0040.B.2.b same as LUP, but allows for wider setback if justified.

DMF IP Section 20.147.040.C.2 same as LUP

Carmel IP Section 20.146.040.C.2.c same as LUP

Big Sur IP Section 20.145.040.C.1.d same as LUP, except only for USGS mapped or DF&G identified streams; ties reduced setback to biologic report; also allows for wider setback if justified.

Summary Table of Stream Setback Provisions in LCP:

	No Co	DMF	Carmel	Big Sur
Setback applies to	all	only w/ riparian	only w/ riparian	all
Setback from	150	Not specified	150	150
Setback from	50	100	50	150
Measured from	bank	centerline	bank	bank
Greater setback	To edge of	To edge of riparian	To edge of riparian	no
Greater setback	Yes, if justified	no	no	Yes, if justified

Add to DMF IP Section 20.147.040.C.2 & Carmel IP Section 20.146.040.C.2.c an allowance for wider setback if justified.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

setback optional	justified			justified	
Narrower setback allowed	Yes; if existing veg protected	Yes; if existing veg protected and with enhancement	Yes; if existing veg protected	Yes; if existing veg protected and veg is restored	
ISSUE SH-12: Wetland Setbacks Ensure that wetland buffers provide protection to the complete wetland.					
<i>County Policies and Comments</i>			<i>Recommendations</i>		
<p>Summary Comment: The current LCP has appropriate basic wetland buffer provisions. However, some facets of a complete buffer policy needed to ensure that the adjacent wetland is protected are not explicit for all segments. These include, ensure correct delineation of the wetland and hence the buffer, permanent protection of the buffer, measures to address non-conforming structures in the setback area, the potential need for a wider than standard buffer, and in Big Sur, ensuring all wetlands are buffered, not just estuaries and lagoons.</p> <p>To date the General Plan Update repeats the basic setback policy of 100 feet from the upland vegetation edge of any wetland.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-2.5 provides for 100 feet setback from the upland vegetation edge of any wetland.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP</u> No Co. LUP 2.3.3.B.4 states that a setback of 100 feet from the landward edge of vegetation of all coastal wetlands shall be provided and maintained in open space use. No permanent structures except for those</p>			<p>Summary: Refine wetland buffer policies to address delineations, permanent protection, non-conforming uses, and options for wider setbacks.</p> <p><u>GENERAL PLAN UPDATE</u> Revise GPU Policy ER-2.5 to state at least 100 foot setback.</p> <p><u>COASTAL LAND USE PLANS</u> Revise No Co. LUP 2.3.3.B.4 to indicate a “minimum” setback.</p>		

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

necessary for resource-dependent use which cannot be located elsewhere shall be constructed in the setback area. Prior to approval of all proposed structures in the setback area, it must be demonstrated that the development does not significantly disrupt the habitat resource. An exception to the 100 foot setback is provided to approximately 12 existing permanent structures located within the 100 foot setback on the west side of Moro Cojo Slough west of Highway 1. Replacement of these structures may be considered subject to field surveys by qualified individuals or agencies with recommended mitigation measures to ensure protection of sensitive habitats.

Del Monte Forest LUP

DMF LUP Policy 27 states that a setback of 100 feet from the landward edge of wetlands and from the mean high water line of the ocean shall be provided. No landscape alterations will be allowed in this setback area unless accomplished in conjunction with restoration and enhancement and unless it is demonstrated that no significant disruption of environmentally sensitive habitat will result.

DMF LUP Policy 93.4 states that where golf course tees, greens, fairways, paths, bridges, and public accessways are developed within 100 feet of the restored riparian and wetland areas at Spanish Bay), they shall be designed to avoid any significant disruption (from construction and future use) of such areas; other developments should be located beyond this 100-foot wetland buffer area.

Carmel Land Use Plan

Carmel LUP Policy 2.3.4.Wet.1 states that a setback of 100 feet from the edge of all coastal wetlands shall be provided and maintained in open space use. No new development shall be allowed in this setback area. The edge of wetlands shall be pursuant to policy 2.3.3.5 (regarding filed surveys), based on the wetlands definition in policy 2.3.3.1 (lands which may be covered periodically or permanently with shallow water and include saltwater marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats and fens) and using the U.S. Fish and Wildlife Service's classification of Wetlands and Deep Water Habitats of

Revise DMF LUP Policy 27 to indicate a “minimum” setback.

Retain DMF LUP Policy 93.4 (Note: although the referenced development has occurred, this policy also guides its use over time and thus remains applicable.)

Revise Carmel LUP Policy 2.3.4.Wet.1 to add a “minimum” setback and to substitute California Department of Fish and Game Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology, 1987 for USF&WS reference.²⁰

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

the United States. As an exception, an additional right-turn lane from Carmel Valley Road onto northbound Highway 1 shall be allowed if it can be demonstrated that there is no reasonable alternative, public safety and welfare require the project, all reasonable measures have been taken to avoid and minimize impacts, all reasonable measures have been taken to mitigate unavoidable impacts, and it can be demonstrated that the impacts will not result in a significant disruption of critical habitat values or affect the long-term survival of a species. Compensatory mitigation shall be established off-site. Mitigation shall be designed to accommodate, where possible, a 150-foot setback for coastal wetlands.

Carmel LUP Action 2.3.5.1 states that the County should adopt a Riparian Corridor Ordinance to provide for setbacks from the edge of both banks of perennial and intermittent streams and from the edge of the average high water line of wetlands as specified in the preceding policy section. The ordinance should restrict all new development in the setback area.

Big Sur Land Use Plan

Big Sur LUP Policy 3.3.3.B.5 states that the coastal lagoons and estuaries of the Big Sur Coast shall remain undeveloped. Development in the adjacent buffer area shall be limited to the minimum required to support low-intensity recreational, scientific or educational uses... The coastal lagoon and estuary buffer area shall, at a minimum, include all areas within 150 feet of the landward extent of hydrophytic vegetation or the average high water mark if no such vegetation exists.

COASTAL IMPLEMENTATION PLAN

IP Section 20.68.040.A states that the enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations, may be permitted if the enlargement, extension, reconstruction or structural alteration conforms to all the regulations of the district in which they are located.

IP Section 20.68.040.B states that ordinary maintenance and repairs, including structural repairs and foundations, may be made to any

Delete outdated Carmel LUP Action 2.3.5.1.

Revise Big Sur LUP Policy 3.3.3.B.5 to apply to all wetlands, not just coastal lagoons and estuaries.

COASTAL IMPLEMENTATION PLAN

Clarify IP Section 20.68.040.A to explicitly apply to nonconforming wetland setbacks as well and that conformance to the wetland standards will be required. (Note: although this provision would govern, it would not preclude allowing lesser setbacks according to the criteria to do so, nor supersede the exception for Moss Landing.)

Revise IP Section 20.68.040.B to state that with regard to wetland setbacks this provision is limited to work on 25% or less of the structure

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

structure which is nonconforming as to height or setbacks or to a structure used for a legal nonconforming use, provided:

- 1) no structural alterations are made; and
- 2) provided such work does not exceed 50 percent of the appraised value of the structure in any one year period.

North County IP Chapter

No Co IP section 20.144.040.c.2.d states that all development shall be set a minimum of 100 feet back from the landward edge of vegetation associated with coastal wetlands... As an exception, permanent structures necessary for recreational, scientific, or educational use of the habitat may be permitted within the setback area where it is demonstrated that:

1) the structure cannot be located elsewhere: and, 2) the development does not significantly disrupt or adversely impact the habitat as determined in the biological survey prepared for the project. As a further exception, the permanent structures along Moss Landing Road on the west side of Moro Cojo Slough which are located within the 100 foot setback, may be replaced.... Where development is proposed on any portion of a parcel containing area within a 100 foot setback of the landward edge of coastal wetland vegetation, the setback area shall be placed in an open space easement as a condition of project approval.

Del Monte Forest IP Chapter

DMF IP Section 20.147.040.C.3.a same as DMF Policy 27.

(cumulatively), otherwise wetland setback requirements have to be met. (Note: although this provision would govern, it would not preclude allowing lesser setbacks according to the criteria to do so, nor supercede the exception for Moss Landing.)

Revise No Co IP Section 20.144.040.c.2.d to measure buffer from landward edge of wetland high water mark or hydric soils, if further than or if there is no hydrophytic vegetation as determined in the biologic report using California Department of Fish and Game Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology, 1987 for USF&WS reference; that permanent maintenance, including measures to screen adjacent development, prevent disturbance by domestic animals, control non-point source pollution and litter, foster native vegetation growth, and improve habitat, should be ensured through a deed restriction or conservation easement; and add allowance for a wider buffer if circumstances so dictate based on greater percent slope, extent of 100-year floodplain, ability of the buffer to function as habitat itself, presence of hazardous substances or petroleum storage, or adjacent confined animal facilities, landfills, or other uses with intensive outdoor activities.

Add to DMF IP Section 20.147.040.C.3.a that the landward edge of the wetland is the furthest of the average high water mark, extent of hydric soils, or extent of hydrophytic vegetation as determined in the biologic report using California Department of Fish and Game Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology, 1987 for USF&WS reference; that permanent maintenance of the buffer, including measures to screen adjacent development, prevent disturbance by domestic animals, control non-point source pollution and litter, foster native vegetation growth, and improve habitat, should be ensured through a deed restriction or conservation easement; and that can be a wider buffer if circumstances so dictate based on greater percent slope, extent of 100-year floodplain, ability of the buffer to function as

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Carmel IP Chapter

Carmel IP Section 20.146.020.NN definition of wetlands includes: In cases of uncertainty, the U.S. Fish and Wildlife Services classification of Wetlands and Deep Water Habitats shall be followed in determining the precise boundary of the wetland.

Carmel IP Section 20.146.040.C.3.a same as first two sentences of Carmel LUP Policy 2.3.4.Wet.1.

Big Sur IP Chapter

Big Sur IP Section 20.145.020.GG states that in general, the boundary between "wetlands" and "estuary" is the line of extreme low water.

Big Sur IP Section 20.145.040.C.2.f states that a buffer area shall be established adjacent to coastal lagoons and estuaries, prior to development of these areas. Development within the buffer area shall be limited to the minimum required to support low-intensity recreational, scientific, or educational uses, and may be permitted only if: 1) significant adverse habitat impacts can be prevented through appropriate site planning, design, siting and other measures, as determined through the biological survey prepared for the project; 2) the decision-making body finds that approval of the development does not establish a precedent for continued land development which, on a cumulative basis, could degrade the adjacent coastal lagoon or estuary habitat. The buffer

habitat itself, presence of hazardous substances or petroleum storage, or adjacent confined animal facilities, landfills, or other uses with intensive outdoor activities.

Revise Carmel IP Section 20.146.020.NN to substitute California Department of Fish and Game Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology, 1987 for USF&WS reference.

Add to Carmel IP Section 20.146.040.C.3 a deed restriction or conservation easement to ensure permanent maintenance, including measures to screen adjacent development, prevent disturbance by domestic animals, control non-point source pollution and litter, foster native vegetation growth, and improve habitat, and add provisions for a wider buffer if circumstances so dictate based on greater percent slope, extent of 100-year floodplain, ability of the buffer to function as habitat itself, presence of hazardous substances or petroleum storage, or adjacent confined animal facilities, landfills, or other uses with intensive outdoor activities.

Revise Big Sur IP Section 20.145.040.C.2.f to state the buffer may also be measured from the landward extent of hydric soils, if more landward than the vegetation or high water as determined in the biologic report using California Department of Fish and Game Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology, 1987 for USF&WS reference; also revise to add long-term protection and maintenance should include including measures to screen adjacent development, prevent disturbance by domestic animals, control non-point source pollution and litter, foster native vegetation growth, and improve habitat;

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>area shall include, at a minimum, all area within 150 feet of the landward extent of either the hydrophytic vegetation or the average high water mark where no such vegetation exists. Upon recommendation in the biological survey prepared for the project, the buffer area may be wider than the minimum 150 feet where necessary to assure protection and long-term maintenance of the coastal lagoon and estuary habitat. The buffer area shall be mapped by the biologist, and as a condition of approval, shall be placed in open space easement.</p>	
<p>ISSUE SH-13: Other ESHA Setbacks Ensure the necessary setbacks for protecting ESHA other than wetlands and streams as required by Coastal Act Section 30240b.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Although there is a lack of Land Use Plan policy on ESHA setbacks, the zoning covers this topic. However, for Carmel Area a setback distance is not specified, thus, leading to the possibility of there being an inadequate buffer. Also, existing structures in ESHA setback areas would be considered legally non-conforming, but non-conforming provisions do not explicitly address the case of additions and rebuilds.</p> <p>To date the General Plan Update has not addressed this topic directly.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP</u> No specific policies addressing setbacks from terrestrial ESHAs.</p> <p><u>DMF LUP:</u> No general setback policy, but some specific setback recommendations in Chapter 7, OSAC Plan.</p> <p><u>Carmel LUP:</u> Requires a minimum setback of 100' for development proposed near Gowen Cypress habitat only.</p>	<p>Summary: Adopt policy to have setbacks from ESHA.</p> <p><u>COASTAL LAND USE PLANS</u> Adopt coastal zone wide policy for setback requirement for protecting terrestrial ESHA that is consistent with the existing IP regulations already addressing this issue.</p> <p>Add an action for the County to prepare (See Issue SH-1 ESHA Identification Recommendation for preparing a guidance document) a list of factors that biologists must consider and evaluate in the biological report for protecting a sensitive species from adjacent development.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Big Sur LUP:

No specific setbacks.

COASTAL IMPLEMENTATION PLAN

IP Section 20.04.070 definition states that structural alteration means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior bearing partitions, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

IP Section 20.68.010 states that any use of land, structure or land and structure which was legally established but is nonconforming to subsequently adopted land use regulations is a legal nonconforming use.

IP Section 20.68.040.A states that the enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations, may be permitted if the enlargement, extension, reconstruction or structural alteration conforms to all the regulations of the district in which they are located.

IP Section 20.68.040.B states that ordinary maintenance and repairs, including structural repairs and foundations, may be made to any structure which is nonconforming as to height or setbacks or to a structure used for a legal nonconforming use, provided:

- 1) no structural alterations are made; and
- 2) provided such work does not exceed 50 percent of the appraised value of the structure in any one year period.

No. County IP Chapter:

IP Section 20.144.040(2) & (3) precludes development & new land uses or subdivision of land on parcels within 100' of environmentally sensitive habitats, where there would be an adverse impact to the long-term maintenance of the environmentally sensitive habitat, as determined through a biological survey. Projects shall only be approved where

COASTAL IMPLEMENTATION PLAN

Clarify IP Section 20.68.040.A to explicitly apply to nonconforming ESHA setbacks as well and that conformance to the ESHA standards will be required. (Note: although this provision would govern, it would not preclude allowing lesser setbacks according to the criteria to do so.)

Revise IP Section 20.68.040.B to state that with regard to ESHA setbacks this provision is limited to work on 25% or less of the structure (cumulatively), otherwise setback requirements have to be met. (Note: although this provision would govern, it would not preclude allowing lesser setbacks according to the criteria to do so.)

Retain IP Section 20.144.040(2) & (3) with regard to ESHA buffer.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

sufficient conditions such as siting, location, design, setbacks, and size will mitigate impacts. Subsection 5 - subdivisions containing an environmentally sensitive habitat area shall incorporate techniques such as clustering, appropriate setbacks from the habitat, building envelopes, and conservation easements, in order to mitigate adverse impacts to the habitat. Precludes subdivisions that are completely w/in an environmentally sensitive area.

Del Monte Forest IP Chapter:

IP Section 20.147.040.B.1 requires a minimum 100' open space buffer when development is proposed on lands immediately adjoining areas shown to contain environmentally sensitive habitat. Within buffer zones, residential uses on existing legal lots of record, setback a minimum of 20 feet from the limit of riparian vegetation, are allowed only if no other feasible alternative exists and only if no other building site on the parcel. Uses permitted in the buffer zone shall be required to: a) minimize removal of vegetation; b) conform to natural topography to minimize erosion potential; c) make provisions (such as catch basins) to keep run-off and sedimentation from exceeding pre-development levels; d) replant where appropriate with native and non-invasive exotic species; e) prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor; and, f) require motorized machinery to be kept to less than 45 DBA at any wetland boundary."

Carmel IP Chapter

IP Section 20.146.040.B.3 requires land uses adjacent to environmentally sensitive habitats shall be compatible w/the long-term maintenance of the resource. New land uses are considered compatible only in a situation in which the proposal incorporates necessary site planning and design features, which protect habitat impacts and do not set precedent for continued land development w/potential to degrade the habitat. New development adjacent to environmentally sensitive habitats shall be allowed at densities determined compatible w/the long-term protection and maintenance of these areas. Precludes further subdivision of parcels totally w/in these areas and requires development to be designed so that sensitive habitat area remains intact and undisturbed. For projects in or

Retain IP Section 20.147.040.B.1 with regard to ESHA buffer.

Revise IP Section 20.146.040.B.3 to include the minimum 100 foot ESHA buffer.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>adjacent to these areas, the County is required to refer project to CDFG for evaluation of impacts from development and suggested mitigations for those impacts.</p> <p><u>Big Sur IP Chapter:</u> Big Sur IP Section 20.145.040.B.5 & 6 same as for No. County IP (except precludes subdivisions that create a new building site completely w/in an environmentally sensitive area).</p>	<p>Retain IP Section 20.145.040.B.5 & 6.</p>
<p>ISSUE SH-14: Predator Management Ensure that non-native predation of sensitive species (e.g., snowy plover), is adequately addressed so as to ensure adequate protection as required by the Coastal Act.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP does not explicitly address the issue of predator management. Although predator management may not be an activity regulated directly by coastal permits, management plans that the County may review or may prepare may (or should) address this issue. Therefore, policy guidance is necessary in order to ensure habitat protection.</p> <p>To date the General Plan Update does not directly address this topic.</p> <p><u>GENERAL PLAN UPDATE</u> no policies address this issue.</p>	<p>Summary: Adopt the principles of the US Fish & Wildlife Service Predator Management Plan for the Salinas River National Wildlife Refuge coastal zone wide.</p> <p><u>GENERAL PLAN UPDATE</u> Adopt a coastal zone wide policy addressing predator management:</p> <ul style="list-style-type: none"> • Individual predators shall be trapped, banded, and relocated; • only licensed and authorized agencies or individuals will implement predator management actions; • all activities will be conducted in a humane manner; • non-lethal techniques will be used whenever possible, a combination of live-trapping techniques will be used; • knowledge of predator's habits will determine which trapping technique to employ; • hazing or lethal control will only be used on extremely rare occasions when it's demonstrably necessary (e.g., when repeated

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>COASTAL LAND USE PLANS</u></p> <p><u>No. County LUP:</u> policy precludes development (exception: resource dependent uses) in roosting, haul out sites etc. No Co LUP Policy 4.3.6.D action 4 requires a management plan for the Salinas Wildlife Area to be developed</p> <p><u>DMF LUP:</u> protects habitat from significant habitat values disruption.</p> <p><u>Carmel LUP:</u> general policy precludes development including grading, filling, vegetation removal, & construction of roads in critical and sensitive habitat areas, riparian corridors, haul-out sites, roosting & nursery areas & wildlife breeding areas.</p> <p><u>Big Sur LUP:</u> somewhat vague in protection measures.</p>	<p>trapping attempts have failed and there is immediate threat to snowy plover chicks)</p> <ul style="list-style-type: none"> the decision to lethally remove a predator will be determined on a case-by-case basis²¹ <p>Adopt an action for the County to work closely w/appropriate state and federal agencies to effectively implement predator management where special status species are threatened by predators.</p> <p><u>COASTAL LAND USE PLANS</u></p>
<p>ISSUE SH-15: Public Agency Coordination Ensure consultation and coordination with Federal and State land managers so as to protect habitat consistent with the Coastal Act.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: Although the LCP has provisions for keeping its inventories and mapping of habitats current, implicitly suggesting coordination with other agencies, there is a lack of explicit language in the current LCP addressing coordination and consultation. In this regard, the proposed General Plan policies are welcome toward ensuring better coordination.</p>	<p>Summary: Adopt policies and procedures to coordinate with appropriate state and federal agencies with regards to sensitive habitat protection, both in terms of the permit process and the protection and management of resource lands.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Although the LCP has provisions for requiring biological reports, there is no clear direction to consult and coordinate with the appropriate agencies in processing all coastal permit involving habitat issues, except in the Carmel Area with Fish & Game. A review of the cited policies shows much variation among segments. The results could be that some sensitive habitats are not adequately protected.

The LCP is lacking in provisions to consult with land managers when adjacent development is proposed, which is necessary in order to ensure that Coastal Act Section 30240b is carried out. Lack of consultation could lead to possible conflicting or impacting land uses being approved.

Except for the cited Carmel Area policy and some other specific site references in the LUP, there is a lack of direction for managing public properties for habitat protection and restoration.

GENERAL PLAN UPDATE

GPU Policy ER-1.2 indicates the County “shall make every effort” to map ecologically sensitive areas in cooperation with state, federal wildlife and local resource management agencies. Policy includes applying coordinated policies to conserve and protect these areas.

COASTAL LAND USE PLANS

North County Land Use Plan

No. County LUP policies 2.3.4(3)&(4) states the County should work w/State Coastal Conservancy, Parks and Recreation, Fish & Game and

GENERAL PLAN UPDATE

GPU Policy ER-1.2 may be adopted. (See also Recommendations for Issue SH-1 ESHA Identification)

Adopt an action for the County to prepare, in consultation with relevant resource agencies, a procedural guidance document that details coordination, including agency responsibilities, contact lists, indications of when to make contact, flow charts, and the like (see, also Recommendations for Issue SH-1 ESHA Identification). Adopt an action for the County to maintain and update such a guidance document.

Adopt an action for the County to establish a periodic schedule to meet with state and federal agencies to update County data and maps of sensitive habitats and plant and animal species.

COASTAL LAND USE PLANS

Retain No. County LUP policies 2.3.4(3)&(4); apply coastal zone wide; and include a management component for the easements.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>federal agencies for exploring the reservation of significant coastal resource areas, developing effective easements to protect sensitive terrestrial and aquatic plants and habitat locations</p> <p>No Co. Policy 2.4.3.2 requests DF&G and US F&WS work on wetland management plans</p> <p>No Co. LUP policy 2.3.4.5 seeks cooperation with DF&G on noxious weed control.</p> <p>No Co. LUP policy 2.3.4.7 requests DF&G provide County with updated information.</p> <p>No Co. LUP policy 2.7.2.1 requires DF&G permits with regard to aquaculture.</p> <p><u>DMF LUP:</u> no policies address this issue.</p> <p><u>Carmel Area Land Use Plan:</u> Carmel LUP Policy 2.3.3.10 seeks guidance from CA DF&G in evaluating proposals for new and intensified uses.</p> <p>Carmel LUP Policy 2.4.3.1 states: “The County should request technical assistance from the State Department of Fish and Game in determining effects on fish and wildlife habitat and appropriate mitigation measures.”</p>	<p>Retain No Co. Policy 2.4.3.2 and apply coastal zone wide</p> <p>Retain No Co. LUP policy 2.3.4.5; apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Retain No Co. LUP policy 2.3.4.7, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>No Co. LUP policy 2.7.2.1 should be retained.</p> <p>Retain Carmel LUP Policy 2.3.3.10, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Adopt Carmel LUP policy 2.4.3.1 coastal zone wide. Elaborate to require coordination with all relevant resource agencies (e.g., US Fish & Wildlife, National Marine Fisheries Service, Monterey Bay National Marine Sanctuary) at various stages of the coastal permit process; namely: -the biologist should consult with relevant resource agencies to ensure that proper methods and protocol are employed for identifying sensitive species and their habitats and to ensure that any recommendations are consistent with applicable laws and guidance covering the species in question; -the County planner should distribute to relevant resource agencies the biologic report, CEQA document, and staff report for comment and ensure that agency concerns are accounted for in the final documents; -the County permit should be conditioned to require evidence of approval</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Carmel LUP Policy 2.5.3.7 seeks DF&G input on timber harvest review.</p> <p>Carmel LUP Policies 2.3.5.monitoring 1. –5 & 7 seek coordination with DF& G in kelp, water quality, marine species.</p> <p>Carmel LUP Policy 2.4.4.A.2 seeks a written recommendation from DF&G where water use intensification is proposed.</p> <p>Carmel LUP Policy 2.3.4.Wetlands.7 seeks review of projects affecting kelp forests by DF&G.</p> <p>Carmel LUP policy 2.3.3.11 says DF&G should provide the County updated habitat information.</p> <p>Carmel LUP Policy 2.3.5.land use 4 establishes a program for eradicating noxious weeds in cooperation with DF&G.</p> <p>Carmel LUP Policy 2.3.5.land use 5 similar to No Co 2.3.4.4.</p> <p>Carmel LUP policy 4.4.3.G.1 requires large properties over 50 acres to be guided by an overall management plan reflecting long-range open space values.</p> <p><u>Big Sur Land Use Plan</u> Big Sur LUP policies: 3.4.3.B.1, 3.4.3.A.4; 3.4.3.C.2; 3.4.4.1 mention various agencies for the County to consult with regarding water withdrawals.</p>	<p>from relevant resource agencies before any development can commence and the development authorized by the final County permit as conditioned shall match that authorized by other relevant resource agencies.</p> <p>Retain Carmel LUP Policy 2.5.3.7.</p> <p>Retain Carmel LUP Policies 2.3.5.monitoring 1. –5 & 7, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Retain Carmel LUP Policy 2.4.4.A.2, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Retain Carmel LUP Policy 2.3.4.Wetlands.7, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Retain Carmel LUP Policy 2.3.3.11, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Retain Carmel LUP Policy 2.3.5.land use 4, apply coastal zone wide and broaden to include all appropriate agencies. (see also Recommendations for Issue SH-18 Controlling Invasives)</p> <p>Adopt Carmel LUP policy 4.4.3.G.1 coastal zone wide with refinements to ensure that habitat areas are protected, that management measures are employed to ensure continuation and restoration/expansion (where appropriate) of the habitat; and that relevant agencies are consulted. Management plans shall also be required for habitat areas identified for conservation.</p> <p>Retain Big Sur LUP policies 3.4.3.B.1, 3.4.3.A.4; 3.4.3.C.2; 3.4.4.1.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Big Sur LUP policy 3.5.2.7 addresses consultations regarding transfers of water.</p> <p>Big Sur LUP policy 3.5.2.7 seeks DF&G input on timber harvest reviews.</p> <p>Big Sur LUP policy 3.8.3.7 seeks coordination with DF& G on mining projects.</p> <p>Big Sur LUP policy 6.1.5.C.9 seeks coordination with DF& G on trail projects.</p> <p>Big Sur LUP Policy 5.4.3.M1 is similar to Carmel policy 4.4.3.G1 but on for properties greater than 320 acres.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>North County IP: no apparent policies addressing this issue other than coordinating with the Agricultural Extension Farm Advisor or private agricultural consultant to keep livestock out of environmentally sensitive areas (Section 20.144.040.C.1.d).</p> <p>Del Monte Forest IP, no regulations addressing this issue.</p> <p>Carmel IP Sections 20.146.040.B.6 and 20.146.050.C.1 similar to LUP.</p> <p><u>Big Sur IP Chapter:</u></p> <p>Big Sur IP Section 20.145.040.C.2.g requires development proposing new or expanded wastewater discharge into Monterey Bay and coastal waters to be reviewed by the Health Department prior to application submittal.</p> <p>Big Sur IP Section 20.145.050.B.1 (River and Stream Development) requires the County planner to consult with the CA Department of Fish & Game for evaluation of impacts to fish and wildlife of nearby or adjacent rivers or streams;</p>	<p>Retain Big Sur LUP policy 3.5.2.7.</p> <p>Retain Big Sur LUP policy 3.5.2.7 and broaden to include all appropriate agencies.</p> <p>Retain Big Sur LUP policy 3.8.3.7.</p> <p>Retain Big Sur LUP policy 6.1.5.C.9, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Adopt complementary IP provisions. With regard to requirements to prepare management plans ensure that these plans address changes in use that may occur as a result of ownership changes (e.g., from private farmland to public open space) and ensure that new development in conjunction with a change in land use or that has habitat impacts triggers the management plan preparation requirement (where there is not a previous management plan or where it is outdated due to ownership/use change).</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Big Sur IP Section 20.145.050.B.2.a requirements for water diversions beyond year-round entitlements include consultation with CA Department of Fish and Game;</p> <p>Big Sur IP Section 20.145.050.B.3 precludes development from causing significant adverse impacts to water quality, year-round flows, and/or stream bed gravel condition of Garrapata Creek, Rocky Creek, Bixby Creek, Little Sur River, Big Sur River, Partington Creek, Anderson Creek Hot Springs Creek, Vicente Creek, Big Creek, or Limekiln Creek, where such changes may cause significant adverse impact on the rainbow and/or steelhead trout populations and requires consultation with CA Department of Fish & Game;</p> <p>Big Sur IP, Section 20.145.050.6.b substantial water use intensification shall only be allowed by listed criteria as noted in this section, including the requirement of the County planner to consult with the County Health Department and CA Department of Fish & Game during project review;</p> <p>Big Sur IP Section 20.145.090.B.4 states that prior to quarry management plans and reclamation plans receiving County approval, each plan(s) shall be submitted to the CA Department of Fish & Game, Regional Water Quality Control Board, and the CA Division of Mines & Geology for review and comment.</p>	<p>Revise Big Sur IP Section 20.145.090.B.4 to replace “CA Division of Mines & Geology” with “California Geological Survey.”</p>
<p>ISSUE SH-16: Beach Grooming Ensure that beach grooming does not compromise required habitat protection.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP lacks specific policies addressing beach grooming which may mean that this practice will occur without consideration of its potential adverse habitat impacts.²²</p> <p>To date the General Plan Update has not directly addressed this</p>	<p>Summary: Adopt policy on beach grooming to ensure habitat protection is factored in.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>issue.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP</u> No Co LUP policy 2.3 identifies sensitive habitats as delicate dunes and beaches among other habitat.</p> <p>No other land use plan policies directly address this issue.</p>	<p><u>COASTAL LAND USE PLANS</u> Add a coastal zone wide policy that requires any desired beach grooming to be evaluated and carried out in a manner that does not diminish the habitat value of natural materials that may accumulate on beaches. Encourage preparation of long-term beach management plans.</p> <p>Add an action to require any County personnel working on beaches to follow an approved beach management plan.</p>
<p>ISSUE SH-17: Monarch Butterflies Ensure that Monarch butterfly over-wintering sites in Monterey County are protected as their habitat is protected under the Coastal Act.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: Monarch overwintering sites are explicitly identified as ESHA only in Big Sur. Thus, any other sites in the coastal zone may not receive protecting in a manner consistent with Coastal Act policies. Additionally, there is a lack of guidance in the LCP as to what protective measures are appropriate for Monarchs.</p> <p>To date the General Plan Update does not specifically address this topic.</p> <p><u>COASTAL LAND USE PLANS</u> <u>Big Sur LUP:</u> currently lists these Monarch butterfly over-wintering sites as ESHA and as such are protected under the ESHA policies.</p> <p>Other LUPs: no policies</p>	<p><i>Recommendations</i></p> <p>Summary: Designate Monarch butterfly over-wintering sites as ESHA and adopt specific protective policies.</p> <p><u>COASTAL LAND USE PLANS</u> Adopt Big Sur LUP categorization of Monarch butterfly overwintering sites as ESHA coastal zone wide. (See also recommendations for Issue SH-1 ESHA Definitions as Monarchs are on the CNDDDB.)</p> <p>Adopt policies that protects non-native eucalyptus trees that serve as habitat for monarch butterflies but that also allow replacement with natives where appropriate (See Recommendations for Issue SH-7 Non-natives as Habitat)</p> <p>Adopt as coastal zone wide policy:²³</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

	<p>Protect Monarch butterfly over-wintering sites and breeding habitats and ensure adequate buffering of these sites so as not to adversely impact these sites functions and values;</p> <ul style="list-style-type: none"> - Maintain a list and map of Monarch sites showing the boundaries of all Monarch sites; - Require development in the vicinity of Monarch sites to undergo biologic analysis of impacts to monarchs; - require development affecting Monarch overwintering sites to prepare management plans addressing preservation of the habitat that includes criteria such as: prohibiting the cutting, thinning pruning or removal of any tree or shrub (especially nectar plants used by Monarchs) except necessary for safety of homes or persons; requiring replacement of comparable vegetation; prohibiting pesticide use and keeping all water sources clean; allowing construction only during the months when Monarchs are not present; and keeping smoke from infiltrating Monarch roosting sites; landscaping designed to provide a natural buffer and provide native food-bearing plant species to the greatest extent possible. <p>Adopt corresponding implementation policies.</p>
<p>ISSUE SH-18: Planting Invasives Ensure that the practice of planting invasive species (e.g., along Highway One corridor) is not condoned so as to protect sensitive habitat.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: No Co and Big Sur LUP policies only partially address this issue of planting invasives by suggesting restoration and coordination.</p> <p>To date the General Plan Update has welcome policy which is more directive against new invasives being planted.</p> <p><u>GENERAL PLAN UPDATE:</u> GPU policy ER-3.8 states the County will not permit the use of invasive</p>	<p>Summary: Adopt policy that prohibits planting invasives and encourages more forceful action to remove invasives.</p> <p><u>GENERAL PLAN UPDATE:</u> Adopt GPU policy ER-3.8.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

plant species in landscape planting plans submitted for review for new development projects.

GPU Policy ER-3.10 encourages "...non-chemical and biological controls for control in an integrated pest management approach to control and eradicate noxious weeds..."

GPU Action ER-3.e says to work with the Multi-Agency Weed Management Task Force and landowners to remove and prevent or mitigate the spread of noxious weeds.

COASTAL LAND USE PLANS

No. County LUP policy 2.3.4(5) encourages the County to restore sensitive plant habitats on public & private lands; states the County should develop a program to control invasive non-native vegetation in conjunction w/ State Parks & Rec., DFG & USFWS.

DMF & Carmel LUPs: No apparent policies related to this issue.

Big Sur Land Use Plan

Big Sur LUP Policy 3.3.3(10) encourages residents and public agencies to undertake restoration of the natural environment in Big Sur through removal of invasive non-native plants where the removal does not increase potential erosion problems.

Big Sur LUP Policy 3.5.2(3) encourages restoration of native forest resources through encouragement of residents and public agencies as a means of preserving the natural grandeur of Big Sur. Encourages the removal of non-native species.

COASTAL IMPLEMENTATION PLAN:

No mention of invasives in No Co; Carmel or Big Sur sections other than

GPU Policy ER3.10 may be adopted.

Adopt GPU Action ER-3.e and add that County agencies are not to use invasives and that management plans to replace invasives with native vegetation should be prepared and implemented.

Adopt an action to request that CalTrans refrain from using invasives along its right of way and to plan for eventual removal and replanting with natives.

COASTAL LAND USE PLANS

Adopt No. County policy 2.3.4(5) as a coastal zone wide policy and add CalTrans to the list of public agencies that the County will work closely with for controlling invasive non-native species on CalTrans' right-of-way.

Retain Big Sur LUP Policy 3.3.3(10)

Retain Big Sur LUP Policy 3.5.2(3)

COASTAL IMPLEMENTATION PLAN:

Adopt corresponding ordinance provisions for all four segments

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>a definition.</p> <p><u>Del Monte Forest IP Chapter</u> DMF IP Section 20.147.040.B.1 states Uses permitted in the buffer zone shall be required...d) replant where appropriate with native and non-invasive exotic species.</p> <p>DMF IP Section 20.147.040.B.9 states Where landscaping is required for new development on parcels adjacent to or including environmentally sensitive habitats, landscaping used within the 100' buffer shall consist solely of non-invasive, native plant materials appropriate to the habitat. Landscaping for the remainder of the site shall include native species and may include non-invasive exotics.</p>	<p>prohibiting planting of exotics.</p> <p>Add to IP sections regarding legal restrictions placed on properties (e.g., scenic and conservation easements, deed restrictions to follow landscape plans) a requirement to include in the legal document a prohibition on the planting of exotics.</p>
<p>ISSUE SH-19: Livestock Grazing Ensure that there are appropriate measures so as to protect sensitive habitat where livestock grazing occurs.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP's main emphasis is on allowing and promoting grazing. There is variable language in the LUPs and IPs for each of the three segments where grazing occurs that address various aspects of this resource issue, especially with regard to riparian areas. If the concepts in these various provisions were to apply to all segments, then the LCP would have a comprehensive set of policies covering this issue. Required and voluntary management plans for grazing lands provide an opportunity to address resource protection compatibility.</p> <p>To date the General Plan Update has similar provisions as in the LCP to encourage grazing and also protect resources.</p> <p><u>GENERAL PLAN UPDATE</u></p>	<p>Summary: Retain and refine policies that grazing at managed levels can be beneficial to native coastal terrace prairie but should generally not be allowed in streams, riparian habitat, and/or wetlands.</p> <p><u>GENERAL PLAN UPDATE</u> Adopt a coastal zone wide policy prohibiting grazing in streams, riparian</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

GPU Goal LU-6 Major Land Group: Rural Lands: “Preserve Rural Lands for critical habitat and watershed protection, passive recreation, small-scale farming and grazing activities, and very low density rural residential uses.”

GPU Policy LU-6.1 states “Conservation of Rural Land - The County shall permit land uses and densities that help preserve rural character; conserve natural, scenic, and cultural resources; protect public health and safety from natural and man-made hazards; preserve farming and grazing activities; provide an opportunity to build a single family home on legal lots of record; protect watersheds and water quality; enhance air quality, and minimize the demand for, and cost of, public services and facilities. Rural Lands shall provide for very low density residential uses, farming and grazing activities, critical habitat protection, watershed management, and passive recreation.”

GPU Policy LU-6.4 “Uses Permitted Within Rural Lands states that The County shall limit development and land clearing within Rural Lands to balance the use of the land with protection of the natural resource value of these areas. Primary uses in Rural Lands are very low density rural residential uses, farming and grazing, passive recreation such as hunting and fishing, camping, riding and hiking, and resource conservation.”

GPU Policy LU-7.1: Resource Land Conservation states that “ The County shall conserve commercial farming and grazing lands for long-term agricultural production.”

GPU Policy LU-11.3 Agricultural Use Preference states that Agriculture, especially grazing, is a preferred use of coastal lands where it is the predominant land use. In locations where grazing has been a traditional use, it should be retained and encouraged both under private and public ownership. Williamson Act contracts, scenic easements, tax incentives, large lot zoning, and other techniques will be encouraged by the County to promote and assist agriculture.

GPU Policy LU-11.4 states that “Contiguous Grasslands: All contiguous

habitat and wetlands, except for vernal pools, unless it is done pursuant to a grazing management plan that is part of an approved habitat restoration plan.

Incorporate these and more specific standards (i.e., for kinds of grazing and kinds of grasslands) into any requirements for management plans; into any leases of public land for grazing; and into any guidance documents for addressing ESHA. (See also Recommendations for Issues SH-1 ESHA Identification and SH-15 Public Agency Coordination.)

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

grasslands of 320 acres or more and those traditionally used for grazing use shall be preserved for such use.”

COASTAL LAND USE PLANS

North County Land Use Plan

No Co LUP policy 2.3.3.B2 states: The following activities shall be prohibited within intermittent and perennial stream channels: ... Grazing should be allowed only at levels that would not destroy vegetative ground cover of the stream channel

No Co. Policy 2.6.3(1)(b). An agricultural land use designation, Agricultural Conservation, shall be applied to: ...3) grazing lands where such a low-intensity agricultural use is the most compatible use of an area. The Agricultural Conservation category shall also be applied to lands not in areas designated under the Agriculture Preservation land use category that are placed into Williamson Act agricultural preserve contracts. Emphasis shall be placed on preserving the most viable agricultural areas of a parcel for agricultural use.

No Co. LUP APPENDIX AMBAG 208 WATER QUALITY PLAN 91978:

Policies and Standards Pertaining to Erosion and Sedimentation Control 9. Require the enactment of a new or revision of an existing ordinance dealing with the keeping of livestock on small parcels of land that are not farms or ranches, focusing on areas likely to be subject to overgrazing and accelerated erosion; and require the granting of a livestock permit before livestock may be maintained in certain circumstances.

Carmel Area Land Use Plan

Carmel LUP Policy 2.6.3(2). Grasslands traditionally in grazing use or capable of supporting grazing should be protected for grazing (see Map C).

Carmel LUP Policy 2.3.4(3) If existing livestock operations are intensified and concentrated in or near riparian corridors, a management

COASTAL LAND USE PLANS

Revise No Co LUP policy 2.3.3.B2 to allow grazing where it would also not result in stream pollution pursuant to a management plan (See also Recommendations for Issues SH-1 ESHA Identification and SH-15 Public Agency Coordination.)

Retain Carmel LUP Policy 2.3.4(3) and apply coastal zone wide.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

program to protect the riparian resource should be developed.

Carmel LUP Policy 2.6.3(3). Subdivision of large ranching properties is generally discouraged. The configuration of new parcels created through land divisions shall be designed in such a way to protect existing agricultural activities and grazing resources.

Carmel LUP Policy 2.6.4(3). Uses compatible with grazing, including some forms of low intensity recreation, shall be encouraged as a means to assist maintaining land in agricultural use by providing additional income to landowners.

Carmel LUP Policy 2.6.4(4). New residential and utility buildings and barns associated with ranching uses shall be located to minimize encroachment upon grazing land.

Big Sur Land Use Plan

BS LUP Policy 5.4.3(M)(1): The development of properties of 320 acres or greater, for uses other than agricultural structures or a single residence, shall require submittal of an overall development and management plan for the property. The plan shall indicate all long range uses contemplated on the property. Areas proposed for development of residences, visitor-serving facilities or low intensity recreational uses shall be clearly delineated and areas to be retained for grazing, and open space and habitat protection, and public access shall be indicated. All proposed roads shall be shown. The plan shall contain a description of how development will be phased over time.

BS LUP Policy 3.6.2(1) All contiguous grasslands of 320 acres or more and those traditionally used for grazing use should be preserved for such use.

BS LUP Policy 3.6.2(2): Uses compatible with the retention of grazing, including hunting and some forms of low intensity recreation, shall be encouraged as a means to assist maintaining land in agricultural use by providing additional income to land owners.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

BS LUP Policy 3.6.2(3). Residential, recreational and other land use development shall not be sited on land suitable for grazing unless an equivalent area of new grazing land is provided.

BS LUP Policy 3.6.2(4) Residences and utility buildings and barns associated with agricultural uses shall be located to conserve grazing land.

BS LUP Policy 3.3.3(A)(7): Land uses in areas where natural grassland is found shall be compatible with the maintenance of the habitat. Development shall be sited and designed to avoid disturbance or destruction of grasslands. Compatible uses include managed grazing and low-intensity recreational and residential uses.

Big Sur LUP Key Policy 3.6.1: Agriculture, especially grazing, is a preferred use of coastal lands. In locations where grazing has been a traditional use, it should be retained and encouraged both under private and public ownership.

BS LUP Policy 3.6.2(7). The County Farm Advisor should continue to assist landowners in developing grazing management plans. Such plans should include rotation schedules, fencing programs, and other techniques to enhance grazing activity.

BS LUP Policy 3.6.2(8) The U. S. Forest Service and the State Department of Parks and Recreation should lease grazing land to private individuals in order that such areas may continue in traditional agricultural use.

BS LUP Policy 3.6.2(9) Where the Department of Parks and Recreation acquires title to land formerly in grazing use, and where a lag of several years is anticipated before park development plans are implemented, the Department should make every effort to lease the land for the purpose of continuing grazing on the property.

Retain BS LUP Policy 3.3.3(A)(7) and apply coastal zone wide.

Retain BS LUP Policy 3.6.2(7) and apply coastal zone wide.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

BS LUP Policy 3.6.2(10). The State Department of Forestry and the U. S. Forest Service should actively participate and assist in developing prescribed burning programs for private and for public lands in order to improve and maintain the grazing resource.

BS LUP Policy 5.4.3B.1 Agricultural resource protection policies presented in Chapter 3 provide the basic framework to guide agricultural activities and shall be considered in all development applications where existing or potential grazing land is concerned. Management of agricultural operations should be particularly sensitive to the protection of water quality and vegetation in riparian areas.

COASTAL IMPLEMENTATION PLAN

North Co IP Chapter

No Co. IP Section 20.144.040.B.5: Further conditions of project approval for subdivisions containing ESHA shall include: a) establishment of 'building envelopes on each approved parcel which allows for the least impact on and vegetation removal within and adjacent to the environmentally sensitive habitat; b) recordation of the building envelopes on the final map or record of survey; c) placement of a note on the final map stating that no grading, structures, roads, animal grazing, vegetation removal, or other activities may take place outside of the building envelope; and, d) recordation of a notice with the County Recorder stating that a building envelope has been established on the parcel, and that no grading, structures, roads, animal grazing, vegetation removal, or other activities may take place outside of the envelope.

No Co IP Section 20.144.040.C.2.a: Grazing may be permitted only at levels which will not destroy the vegetative ground cover of the stream channel, as determined through a biological survey and regulated through conditions of project approval.

Carmel IP Chapter

Carmel IP Section 20.146.070.A contains Overall Development and Management Plan Requirements for grazing lands.

Add to BS LUP Policy 3.6.2(10) provision to ensure prescribed burning is performed to optimize native grasses.

COASTAL IMPLEMENTATION PLAN

Retain No Co. IP Section 20.144.040.B.5 and apply coastal zone wide. (Note: this provision appears to be written primarily for residential lot subdivision where some grazing animals might be present; hence, the use of the term "building envelope" It would be more appropriate to delineate separate "grazing areas.")

Revise consistent with recommendation for No Co LUP policy 2.3.3.B.3 and apply coastal zone wide.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Big Sur IP Chapter

Big Sur IP Section 20.145.040.B.5: The terms of conservation easements shall generally prohibit vegetation removal and grazing of livestock within the environmentally sensitive habitat, except as needed for removal of non-native plant species, and in those cases where the biological survey recommends such grazing or vegetation removal as beneficial to the protected habitat.

Big Sur IP Section 20.145.040.C.1.g: Development and land use activities in areas of natural grassland shall not be permitted to adversely impact the long-term maintenance of the habitat, as determined through the biological survey prepared for the project. As such, allowable uses in natural grassland areas shall include managed grazing, low-intensity recreational, and residential uses. Conditions of approval shall be applied and development modified as necessary, including for design, siting, location, size, density, and intensity of use, to reduce impacts to and assure the long-term maintenance of the habitat. Conditions of approval shall include recommendations contained in the biological survey prepared for the project.

Big Sur IP Section 20.145.070.A contains Overall Development and Management Plan Requirements for grazing lands.

Revise Big Sur IP Section 20.145.040.B.5 consistent with policy recommendations and apply coastal zone wide.

Retain Big Sur IP Section 20.145.040.C.1.g and apply coastal zone wide.

ISSUE SH-20: Steelhead Streams

Ensure that runoff into creeks/rivers that support or have historically supported steelhead runs is not polluted, so that the sensitive steelhead habitat is protected.

County Policies and Comments

Summary Comment: According to an analysis by FishNet 4C (Effects of County Land Use Policies and Management Practices on Anadromous Salmonids and Their Habitats, January 2001), Monterey County has certain measures in place that would help protect steelhead, but lacks others. Specifically the report found:

Riparian Buffers - Monterey County currently does not require riparian

Recommendations

Summary: Adopt policies and actions based on the recommendations of the FishNet 4C Program to improve protection of steelhead stream habitat. (See also recommendations under Issue WQ-3 Erosion Control.)

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

buffers on perennial, intermittent, or ephemeral streams outside the coastal zone. (Note: See chart for Issue SH-11 Stream Buffers that riparian buffer reduction criteria do not directly address anadromous fish.)

Stormwater - The County does not have a runoff control ordinance implemented as part of its National Pollution Discharge Elimination System (NPDES) permit. However, the County Erosion Control Plan, Section 16.12.070 directs runoff rates to be maintained at pre-development levels.

Sedimentation – Although the County does not have regulations on agricultural grading, area plans and zoning prohibit conversion of uncultivated land > 25% slope; require a Use Permit for new or expanded operations on slopes of 15 –25% (No. County Policy 2.6.3.8, IP Section 21.66.030.C). Winter grading is addressed in the Erosion Control Ordinance which prohibits land clearing over 1 acre between October 15th to April 15th in water supply watersheds and high erosion areas, unless authorized by the Building Inspector; criteria are listed and required for when clearing does take place.

Road Maintenance –Routine maintenance of unpaved fire roads (former logging roads and ranch roads), which are generally dirt and are mostly insloped with inboard ditches) consists of grading the road surface and ditch clearing. According to the report, road maintenance is a major potential source of sedimentation to streams. (Fish Net 4C did not perform a policy analysis on this topic other than to note a lack of policies governing road maintenance.)

Water Quality – Although not currently mandated to apply and maintain a permit from the NPDES for its storm drain systems, the County's waterways would benefit from meeting the same requirements as other counties that are required to do so. For example, counties that are required to apply and maintain a NPDES permit are required to report the number of storm drains cleaned, miles of channels and creeks cleared, amount of material collected from street sweeping and chemical cleaning

Adopt uniform riparian protective policies countywide.

Adopt an action for the County to identify streams and tributaries throughout the County.

Adopt an action for the County to coordinate or participate in programs for anadromous fish habitat protection that plan, coordinate and prioritize restoration projects in each watershed and among watersheds.

Adopt an action for the County to establish adequate spoils storage sites throughout the county so that spoils from landslides and road maintenance can be stored safely away from anadromous streams.

Adopt an action for the County to develop road management practices and prioritization for action, including road reconstruction, decommissioning and maintenance that minimize sedimentation and runoff impacts. These should address disposal of spoils, stream crossings, culvert diversion potential, fish passage, and slope repair.

Adopt an action for the County to closely monitor any wintertime grading allowed and to ensure enforcement of permit conditions.

Adopt an action for the County to train staff in implementation of road standards and erosion control technology.

Revise riparian buffer policies to account for anadromous fish protection. (See Recommendations for Issue SH-11 Stream Buffers.)

Revise riparian buffer policies that allow for reductions in stated buffers to apply only where a determination has been made that there will be no adverse impact to anadromous fish. (See Recommendations for Issue SH-11 Stream Buffers.)

Adopt an action for the County to establish a fund for purchase of property or easements for cases in which implementing riparian buffers for anadromous fish protection makes parcels unbuildable.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>facilities. Further, these counties have enacted specific storm water quality protection ordinances, the goal being to reduce pollutants in storm water discharges. However, Monterey County's General Plan does require parking lots with greater than 20 spaces to include oil, grease, and silt traps.</p>	<p>Adopt an action for the County to establish a program for identifying especially unsuitable existing development, infrastructure and roads affecting anadromous fish streams. and for gradually mitigation their adverse, including possibly measures to eliminate unmitigatable impediments.</p> <p>Adopt an action for the County to work with the State Water Resources Control Board and other agencies to establish target levels of instream flow to maintain populations of anadromous fish and to incorporate these target levels into the County development review process.</p> <p>Adopt a policy to prohibit projects that jeopardize instream flows necessary for anadromous fish protection.</p> <p>Adopt an action to coordinate with the State Water Resources Control Board in matters involving water rights permits in anadromous fish streams.</p> <p>Adopt an action for the County to reduce the extent of riparian vegetation and sediment clearing performed on anadromous fish streams as part of flood prevention problems. Include in the program consideration of alternative flood reduction measures and retention of large woody debris within streams to the extent possible.</p> <p>Adopt an action for the County to evaluate lagoon breaching to determine cumulative effects of the practice on anadromous fish.</p> <p>Adopt a policy to evaluate alternatives to lagoon breaching and to conduct any lagoon breaching in a manner that protects anadromous fish.²⁴</p>
<p>ISSUE SH-21: Night Lighting Ensure that light shining out on the Sanctuary waters is prohibited so as to protect sensitive marine habitat.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Summary: This topic is not currently addressed in the LCP, meaning that there can be adverse impacts on the marine habitat that are not currently regulated.

To date, the General Plan Update does not address this topic either.

GENERAL PLAN UPDATE

GPU Policy ER-10.7 addresses exterior lighting, but not this topic
GPU Policy PS-7.3 requires street lighting to illuminate intended area and avoid off-site glare, but also does not address this topic.

COASTAL LAND USE PLANS

No. Co. LUP: No policies relating to lighting.

DMF LUP: same as North County.

Carmel LUP: Policy 2.2.4(10)(d) addresses exterior lighting on structures, indicates to point light downward & to be shielded.

Big Sur LUP: No specific policies on this topic.

COASTAL IMPLEMENTATION PLAN

North County IP, Section 20.144.030(B)(2) states lighting shall be unobtrusive and blend with the rural setting.

Del Monte Forest IP, No regulations on this topic

Carmel IP, Section 20.146.030(C)(1)(d) requires exterior lighting to be unobtrusive and harmonious with the local area; requires lighting fixtures to be shielded and designed at near-ground level, and off-site glare is controlled.

Big Sur IP, Section 20.145.030(A)(1)(b) prohibits exterior lighting sources if the lighting source would be visible from Highway 1 or other major public viewing area as defined in Section 20.145.020.V.

Summary: Adopt a specific policy regulating light shining on the Sanctuary.

GENERAL PLAN UPDATE

Adopt a policy that states, "In no instance, other than for an emergency, shall lighting be directed toward or face Monterey Bay National Marine Sanctuary waters, so as to directly illuminate any waters of the Monterey Bay National Marine Sanctuary and adjacent shoreline."

COASTAL LAND USE PLANS

COASTAL IMPLEMENTATION PLAN

Adopt Implementation provisions that correspond to the above recommended policy..

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Section 20.145.030(B)(4) requires a lighting plan submitted for approval by the Director of Planning where aboveground development involves exterior lighting; exterior lighting will require shielding to reduce its long-range visibility and to cause the light source to not be visible; exterior lighting shall be downlit and minimal to reduce as much as possible light pollution.</p>	
<p>ISSUE SH-22: Moro Cojo Slough Wetlands Ensure that the designations of wetland areas around Moro Cojo Slough reflect most recent delineations.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current North County LUP land use maps (Figures 1 and 2) match fairly well with recent wetland delineations (in the Moro Cojo Slough Management and Enhancement Plan²⁵ and by the Elkhorn Slough Foundation²⁶) but do not show all existing wetland areas known at this time. While the LCP has identification policies that help ensure newly delineated wetland areas are protected, the lack of redesignation to the appropriate Resource Conservation designation may lead to lapses in ensuring that these areas receive the protection that they should under the Coastal Act.</p> <p>To date the General Plan Update does not address this issue other than retaining the designations.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No Co LUP</u> LUP Map (Figures 1 and 2) designates areas around Moro Cojo and Elkhorn Slough primarily as Wetland and Coastal Strand but approximately eight other wetland areas have designations of Heavy Industrial, Rural Residential and Agricultural Preservation.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Zoning Maps show these areas as HI, RDR, & CAP</p>	<p>Summary: Update the North County Land Use Plan map to designate wetland areas mapped by the Moro Cojo Slough MEP and Elkhorn Slough Foundation as Resource Conservation.</p> <p><u>COASTAL LAND USE PLANS</u> Redesignate mapped wetlands to Wetland and Coastal Strand on the North County Land Use Plan map (See Map SH-22).</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Concurrently rezone these areas to “RC(CZ)” [Resource Conservation]</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE SH-23: Potrero Road Open Space

Ensure that the Potrero Road Special Treatment area (APN 133-201-010) purchased by Moss Landing Harbor District is appropriately designated to conform to Coastal Act habitat and wetland policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The LCP's allowance for housing along north side of Potrero Road next to and including Old Salinas River channel wetlands is outdated. The LCP's emphasis on a recreational vehicle park for this site is also outdated because the parcel's new owner, Moss Landing Harbor District, has constructed an RV park elsewhere (Pelican RV park on Sandholdt Road). The Harbor District is in need of potential mitigation areas for wetland fill projects elsewhere, and the subject site is appropriate for such use and possible enhancement. It is also potentially suitable for trail and other recreational uses that the Harbor can provide, which are Coastal Act priority uses.</p> <p>To date the General Plan Update does not address this issue other than retaining the land use designations.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP</u> No Co LUP land use map designates area along north side of Potrero Road as Outdoor Recreation Special Treatment.</p> <p>No Co LUP policy 5.2.1.G states that the primary land use is Outdoor Recreation, with an emphasis on a recreational vehicle park. A secondary alternative use for this property is medium density housing.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Zoning Map shows parcel zoned as OR(CZ), Open Space Recreation</p> <p>IP Sections 20.38.040 & .050 allow trails, picnic areas, camping,</p>	<p>Summary: Remove references to emphasizing recreational vehicle park and allowing residential use on the Moss Landing Harbor parcel.</p> <p><u>COASTAL LAND USE PLANS</u> Retain Land Use Map designation as Outdoor Recreation.</p> <p>Remove text stating emphasis on a recreational vehicle park.</p> <p>Remove secondary, alternative use of medium density residential use from text in North County LUP.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Retain OR zoning, without Special Treatment overlay</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

educational uses related to the dune environment, interpretive centers and the like in the OR zone.	
ISSUE SH-24: Odello-West Ensure that Odello-West now owned by State Parks and Caltrans & undergoing habitat restoration and adjacent Williams property are appropriately designated to conform to Coastal Act habitat, scenic, and agricultural protective policies.	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The LCP designations for Odello-West and one of the Williams parcels are outdated and not most protective of the resources of the sites, especially given State Parks' Carmel River State Beach Lagoon Restoration Project for wetlands restoration and some continued agricultural use. State Parks has already amended its General Plan for Odello-West to allow for wetlands and other habitat restoration. Caltrans has purchased the Williams parcels with the intent to transfer them to State Parks for habitat preservation. Three small parcels fronting Highway One are designated agricultural in the certified LCP, although when the land use map was redrawn and reprinted in color, they became shown as residential. This is appropriate, given the residential use on these parcels, which are small are topographically distinct from the agricultural field, but requires a LCP amendment.</p> <p>To date the General Plan Update does not address this issue other than retaining the land use designations.</p> <p><u>COASTAL LAND USE PLANS</u> <u>Carmel Area LUP</u> designates Odello-West parcel as Ag. Preservation.</p> <p>Carmel Area LUP designates one Williams parcel as Medium Density Residential</p>	<p>Summary: Redesignate Odello-West and Williams to Wetlands and Coastal Strand, except for portion to remain in agricultural use.</p> <p><u>COASTAL LAND USE PLANS</u> Redesignate Odello-West parcel as Resource Conservation – Wetlands and Coastal Strand, except for portion to remain in agricultural use.</p> <p>Redesignate remaining three small parcels along Hwy 1 as Low Density Residential.</p> <p>Redesignate Williams parcel as Resource Conservation – Wetlands and Coastal Strand (See Map SH-24)</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Carmel Area LUP policy 4.4.3.E.4 states: Up to three building sites may be permitted on the Williams parcel provided they are located adjacent to the existing developed area of Carmel Meadows and avoid adverse impacts on the wetland area or established drainage patterns unless it is to significantly improve the existing drainage.</p> <p>Carmel Area LUP policy 4.4.3.B.2 states: The agricultural land west of Highway 1 in public ownership shall be designated "Agricultural Preservation" in order to conserve the land for exclusive agricultural use.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Odello West zoning is CAP(CZ) Coastal Agricultural Preservation</p> <p>Three small residential parcels are zoned LDR/1(CZ) Low density residential 1 unit per acre</p> <p>One Williams parcel is zoned MDR/2 (24)(CZ) 2 units/ acre with 24' height limit.</p> <p>Carmel IP Section 20.146.120.A.1 has an exception for allowing development of Williams parcel.</p> <p>Carmel IP Section 20.146.120.B.4.c is similar to policy 4.4.3.E.4</p>	<p>Delete policy 4.4.3.E.4</p> <p>Delete this sentence of policy 4.4.3.B.2</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Rezone portion of Odello-West to be restored as RC(CZ)</p> <p>Retain LDR/1 designation for residential parcels.</p> <p>Rezone Williams parcels to RC(CZ).</p> <p>Delete exception for Williams in Section 20.146.120.A.1</p> <p>Delete Section 20.146.120.B.4.c</p>
<p>ISSUE SH-25: Sandholdt Road Area Ensure that designations for the area to the south of the new Sandholdt Bridge are revised to be consistent with Coastal Act wetland policies.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Since Sandholdt Road Bridge replacement has already been approved for a location only approximately 75 feet south of the existing bridge (CDP 3-00-097), harbor boating facilities are physically precluded from expanding further southward. Therefore, the "Special Treatment" and Light Industrial" designations of that area are outdated as well as inappropriate given</p>	<p>Summary: Redesignate area south of new Sandholdt Bridge to Resource Conservation.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

that the area is wetlands. Text in the LUP recognizes that this might become the case and an amendment would be necessary.

To date the General Plan Update does not address this issue other than retaining the land use designations.

COASTAL LAND USE PLANS

North County Land Use Plan

No Co. LUP map shows Special Treatment area south of Sandholdt Road Bridge in Moss Landing Area, for potential relocation of the Bridge approximately 1,000 ft south, expansion of Sandholdt Road to this location and potential harbor expansion into the portion of the Old Salinas River Channel that would be opened up by relocating the bridge.

No Co section 5.2.1.G and policy 5.2.1.H.4 also describe this Special Treatment area. Policy 5.2.1.H.4 says the Light Industrial designation south of the existing bridge would not be appropriate if harbor expansion south of the bridge does not occur and that it should be changed to Scenic and Natural Resource Recreation and Resource Conservation.

No Co section 5.2.2.C discusses extending Sandholdt Road

COASTAL IMPLEMENTATION PLAN

CIP Zoning map shows LI (CZ) along Old Salinas River Channel shoreline.

No Co. Section 20.144.160.A.12.b.2 refers to extending Sandholdt Road.

COASTAL LAND USE PLANS

Remove “Special Treatment” designation on LUP map in area south of Sandholdt Road Bridge.

Change LUP designation from Coastal-Dependant Light Industrial to Resource Conservation – Wetlands and Coastal Strand.

Update LUP map to show correct parcels and reconfiguration of Sandholdt Road Bridge.

Delete last paragraph of Section 5.2.1.G,
Delete first sentence of policy 5.2.1.H.4 and last three paragraphs.

Delete section.5.2.2.C to reflect the changed conditions.

COASTAL IMPLEMENTATION PLAN

Change CIP zoning designation of area south of new bridge from LI (CZ) to RC (CZ)

Delete first phrase of Section 20.144.160.A.12.b.2 referring to extending Sandholdt Road.

ISSUE SH-26: Watertek Wastewater Plant

Ensure that the Watertek treatment plant and surroundings are appropriately designated to ensure wetland protection.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary: The current designation of the Watertek plant as Resource Conservation is appropriate because aerial photos of the site show the holding tanks were built in wetland areas. The current residential designation of the spray fields is inappropriate because under Section 30412 of the Coastal Act, lands needed to accommodate wastewater facilities must be so designated. If the plant and spray fields were removed in the future, the residential designation would remain inappropriate because the land is adjacent to wetlands.</p> <p>To date the General Plan Update does not address this issue other than retaining the land use designations.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No Co. LUP</u> No Co land use map shows parcels that include Watertek wastewater treatment plant as Resource Conservation, Coastal Strand and spray fields as Medium Density 1-4 units/acre.</p> <p>No Co LUP policy 3.2.2.4 A wetland restoration program for degraded</p>	<p>Summary: Maintain current designation of plant, redesignate spray fields, and add emphasis to policies for long-term removal of this facility from wetlands.</p> <p><u>COASTAL LAND USE PLANS</u> Maintain LUP designation of Resource Conservation: Wetlands and Coastal Strand for Watertek holding tank areas</p> <p>Add a Special Treatment overlay for this area, to allow current wastewater treatment uses but not to expand facility at this wetland site or allow any other uses beside monitoring, restoration and other resource dependant uses.</p> <p>Redesignate portion of south slough arm & 100 foot buffer from Medium Density Residential to Resource Conservation – Wetlands and Coastal Strand.</p> <p>Redesignate spray field area from Medium Density Residential to Public/Quasi-Public wastewater treatment.</p> <p>Redesignate areas south of CHISPA development from Medium Density Residential to Resource Conservation – Wetlands and Coastal Strand. (See Map SH-26).</p> <p>Retain No Co LUP policy 3.2.2.4.A</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>wetlands now used as sewage treatment ponds shall be required in the event that Oak Hills or Monte del Lago connect to the Castroville or regional wastewater treatment plant. The wetland restoration program must be consistent with the resource protection policies of this plan.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> CIP zoning map shows the wastewater treatment plant area as RC(CZ) and spray fields as MDR B-8.</p> <p>CIP Section 20.42.030.H states that the B-8 designation is to restrict development and/or intensification of land use in areas where, due to water supply, water quality, sewage disposal capabilities, traffic impacts or similar measurable public facility type constraints, additional development and/or intensification of land use is found to be detrimental... with spray fields on adjacent upland.</p> <p>No Co IP Section 20.144.130.A.5 states: Development of sewer connections between Oak Hills or Monte del Lago and the Castroville or regional wastewater treatment plant shall require the restoration of degraded wetlands used as sewage treatment ponds for Oak Hills or Monte del Lago... Incorporated into the plan shall be a complete program for the wetland's restoration as a healthy, functioning biologic habitat, with a timetable for the program's implementation.</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u> Rezone portion of south slough arm & 100 foot buffer from MDR B-8 (CZ) to RC (CZ)</p> <p>Rezone spray field area from MDR B-8 (CZ) to PQP (CZ)</p> <p>Rezone areas south of CHISPA development from HDR/5 CZ to RC (CZ).</p> <p>Retain IP Section 20.144.130.A.5</p>
<p>ISSUE SH-27: Long Valley Ensure that the Long Valley land that has been purchased by a conservation organization is appropriately designated in the LUP so as to ensure long-term sensitive habitat protection.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: The specific LUP policy for Long Valley was written to provide maximum habitat protection, consistent with protection of Constitutional private property rights, based on the fact that the area contains 19 separate parcels. Since the property has been purchased for habitat protection by a conservation</p>	<p><i>Recommendations</i></p> <p>Summary: Revise policy to reflect greater opportunities for habitat protection.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

organization, there is more opportunity for increased habitat protection.

To date the General Plan Update does not address this land specifically.

COASTAL LAND USE PLANS

No Co LUP policy (4.3.6.D7) states, “The Long Valley watershed area shall be bounded by the ridgelines located south of Strawberry Canyon Road and north of Paradise Canyon Road; by Elkhorn Road and Walker Valley Road on the west; and the Coastal zone boundary on the east. Preservation of both the natural habitat and watershed shall be of the utmost priority. Maritime Chaparral and stands of Monterey Pine, Coast Live Oak, Madrone, and Manzanita shall be protected to the maximum extent feasible. The highly erodible, Arnold Loamy Sand soils shall be protected to the maximum extent feasible.

Proposed development within the Long Valley watershed shall be required to minimize, to the greatest extent feasible, removal of vegetation, erosion, and contamination of groundwater resulting from the use of residential septic systems, agricultural pesticides, or fertilizers. Erosion control plans for proposed development shall be approved by the Building Inspection Department. All potable-water and residential-wastewater-disposal systems shall be approved by the Environmental Health Department, as Long Valley may provide a source of potable water to other water problem areas in North County.

When development is proposed on a parcel, the following conditions shall be required for approval of any Coastal Development Permit. Scenic easements shall be dedicated in all areas with slopes greater than 25% slope. A public access easement shall be dedicated for the establishment of a trails system. Proposed development which necessitates grading for dwellings, driveways, and appurtenant uses shall be required to appropriately replace topsoil to minimize erosion. Wherever feasible, revegetation with native plants shall be required in all graded areas. Improved access, roads, and drainage facilities for all

COASTAL LAND USE PLANS

Add to No Co policy 4.3.6.D7 language to encourage clustering of physical development, lot line adjustments, parcel consolidation and/or similar measures to protect contiguous areas of sensitive habitats.

Designate as “Special Treatment” or some equivalent delineation that shows that special overlay policies apply to this area.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>proposed development within the Long Valley watershed area shall meet the standards and requirements of the Monterey County Public Works Department, North County Fire Protection District, and the Flood Control and Water Conservation District.”</p> <p>No Co LUP designation is “Rural Density Residential”</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP zoning is RDR/7 (Rural Density Residential 1 unit/7 acres)</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u> Retain zoning and incorporate above policy recommendation into IP language.</p>
<p>IV. WATER QUALITY & MARINE RESOURCES The Coastal Act includes several policies to protect marine/terrestrial resources and water quality. Section 30230 of the Act requires that marine resources be protected, maintained, and, where feasible, restored. The biological productivity of coastal waters, including streams, estuaries, and wetlands, must be maintained. Requirements include controlling runoff and waste discharges to protect water quality, maintaining groundwater supplies and stream flows in order to sustain the biological productivity of coastal waters, and minimizing the alteration of riparian habitats and streams (Sections 30231 and 30240).</p>	
<p>ISSUE WQ-1: Dredging and Spoils Ensure that continued dredging of Moss Landing Harbor and disposal of the dredged materials complies with Coastal Act disposal and scenic policies.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: The existing LCP has adequate policy to address dredge spoils suitable for beach replenishment, but fails to address where to dispose of unsuitable spoils. Also text describing the dredging frequency is no longer accurate.</p> <p>To date the General Plan Update does not address this issue except in the most general manner.</p> <p><u>GENERAL PLAN UPDATE</u> GPU NCo ER-11 states that unnecessary or ill planned dredging could have adverse impacts and therefore, appropriate expansion of Moss</p>	<p><i>Recommendations</i></p> <p>Summary: Adopt a policy to ensure environmentally acceptable disposal of dredge materials that are not suitable for beach replenishment.</p> <p><u>GENERAL PLAN UPDATE</u> GPU NCo ER-11 may be adopted.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Landing Harbor facilities shall protect wetlands in as natural a state as possible.

COASTAL LAND USE PLANS

No Co LUP...

No Co Section 2.4 says since 1946, harbor has been dredged every three years.

No Co. LUP Policy 2.4.2.3 states that dredge spoils “suitable for beach replenishment shall be transported for such purposes to appropriate beach areas...”

No Co LUP policy 2.4.2.5 requires any site disrupted by dredging or filling to be fully and immediately restored whenever desirable.

No Co LUP policy 2.4.2.6 requires that the least damaging alternative be selected for dredging and filling.

COASTAL IMPLEMENTATION PLAN

No Co IP section 20.144.060.C.2 states that the diking, filling, or dredging of coastal wetlands or estuaries shall be limited to restorative measures to maintain and enhance the long-term maintenance of the biological habitat, and to appropriate facilities associated with access, research, education, mariculture, and aquaculture. The development shall be in accordance with the requirements and specific criteria designated in an approved wetland management plan for the area. If no wetland management plan has been approved for the area, appropriate facilities shall be limited to those consistent with Section 30233(a) of the Coastal Act, as follows:...

No Co IP section 20.144.060.C.3 states that diking, dredging and filling

COASTAL LAND USE PLANS

Update No Co LUP Section 2.4 to accurately describe when dredging has been conducted

Add to No Co policy 2.4.2.3: Disposal of dredge spoils must be guided by a Dredge Materials Management Plan (DMMP). Prior to any dredge activity occurring that involves spoils found unsuitable for beach nourishment or for unconfined aquatic disposal, the DMMP shall provide a detailed description of approved upland rehandling, transportation and disposal sites that will be used and ensure that disposal of contaminated sediments does not impact any sensitive coastal resources.

Revise No Co LUP policy 2.4.2.5 to replace “whenever desirable” with: unless an alternative site configuration has been found to fully comply with all other Plan policies.

Retain No Co policy 2.4.2.6.

COASTAL IMPLEMENTATION PLAN

Retain No Co IP section 20.144.060.C.2 and apply coastal zone wide.

Revise No Co IP section 20.144.060.C.3 to require a mitigation ratio of

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>shall only be permitted where the following criteria can be met: a. An equivalent area of new or "degraded wetland, as identified by the California Department of Fish and Game pursuant to Coastal Act Section 30411, is created or restored within the same estuarine system and in a manner which maintains or enhances overall biological productivity. Wetland creation or restoration plans and their affect on biological productivity shall be fully discussed and assessed in the biological survey. Such plans shall be implemented as a condition of approval to be completed before the approved development activities may proceed. As an exception, completion before proceeding with the approved development may be waived for temporary fill, short-term fill in place for not more than 6 months, or for diking, provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time, not to exceed one year from project installation.</p> <p>b. The amount and extent of proposed diking, dredging, and filling is the minimum necessary to accomplish the intended purpose, and, where there are alternatives to the proposed development, the least environmentally-damaging alternative is chosen. As such, modifications shall be made for siting, location, design, and amounts of dredging and fill or other factors, where the modifications will minimize the amount and/or extent of diking, dredging, and filling. Appropriate biological, hydrologic, engineering, geologic or other professional studies shall be required where needed to determine project impacts, alternatives and mitigation measures.</p>	<p>3:1 for freshwater and 4:1 for salt water wetland fill and apply coastal zone wide and reference Coastal Commission's "Procedural Guidance For Evaluating Wetland Mitigation Projects In California's Coastal Zone," for further guidance on how to prepare wetland restoration plans.</p>
<p>No Co IP section 20.144.060.C.5 states that filling shall not be permitted within the wetland area of McClusky Slough, unless the filling is permitted in conjunction with a wetland enhancement or restoration plan.</p>	<p>Retain No Co IP section 20.144.060.C.5</p>
<p>No Co IP section 20.144.060.C.6 states that where diking, dredging, or filling will disrupt a site, that site shall be restored to its original condition if restoration is feasible and also desirable for maintenance or enhancement of the area's biological productivity, as determined through the biological survey prepared for the project. Site restoration plans shall incorporate recommendations included in the biological survey prepared</p>	<p>Retain No Co IP section 20.144.060.C.6</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>for the project and shall be implemented directly following project completion, as a condition of project approval.</p> <p>No Co IP section 20.144.060.C.7 Where proposed development involves dredging and spoils disposal, such activities shall be planned and implemented so as to avoid significant and unnecessary disruption to marine, estuarine, and wetland habitats, and to the pattern and volume of water circulation. Appropriate biological, engineering, hydrologic or other professional studies shall be required where needed to determine potential development impacts, alternatives to development, and mitigation measures to reduce habitat disruption. Such measures may be made conditions of project approval. Further conditions of project approval shall be that: 1) dredged spoils suitable for beach replenishment be transported for such purposes to appropriate beach areas with suitable longshore current systems; and, 2) dredged spoils meet all State and Federal standards for the protection of the marine biological environment and shall be disposed of consistent with all current policies and activities on other sites.</p>	<p>Retain No Co IP section 20.144.060.C.7 and add the following: Disposal of dredge spoils must be guided by a Dredge Materials Management Plan (DMMP). Prior to any dredge activity occurring that involves spoils found unsuitable for beach nourishment or for unconfined aquatic disposal, the DMMP shall provide a detailed description of approved upland rehandling, transportation and disposal sites that will be used and ensure that disposal of contaminated sediments does not impact any sensitive coastal resources.</p>
<p>ISSUE WQ-2: Sewage Outfalls Ensure that sewage outfall discharges avoid impacting marine resources.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Although the state and federal governments have primary jurisdiction over the issue of waste discharge, it is important that the County have the policy base to be able to provide input to these agencies on future proposals and to process necessary coastal permits. The current LCP (with the exception of Big Sur) contains appropriate policy for addressing new or expanded wastewater discharges, but the wording is open to some interpretation, such as what are coastal waters and what are expanding wastewater discharges. Clarifications of the latter are important with regard to development proposed that is served by the small treatment plants in the County's coastal zone (e.g., Watertek, Carmel Highlands, Big Sur State Park) which are close to capacity</p>	<p>Summary: Retain existing policies, but clarify that they apply to all projects generating wastewater that is discharged into any coastal water.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

and are located in sensitive areas. A clarifying amendment was adopted to ensure that new development would not overtax the Watertek plant and, hence help ensure that water quality is not compromised.

To date the General Plan Update contains welcome general language, but not the more detailed, directive language of the current LCP.

GENERAL PLAN UPDATE

GPU: Policy ER-5.1 indicates the County's commitment to protecting the coast and marine environment. States the County shall seek to maintain, preserve and enhance coastal and marine environments and waterways that drain and have an impact upon the Monterey Bay National Marine Sanctuary, in accordance with all federal and state regulations including the Clean Water Act. Requires the County to prevent pollution of receiving waters prior to occurrence by use of best management practices.

COASTAL LAND USE PLANS

No Co LUP Policy 2.3.3.D; DMF policy 30.A and Carmel policy 2.4.4.B.8 have the following language: All new and/or expanding wastewater discharges into the coastal waters of Monterey County shall require a permit from the Health Department. Applicants for such permits shall be required to submit, at a minimum, the following information and studies:

- a) Three years monitoring records identifying the existing characteristics of the proposed wastewater discharge...
- b) Provide comprehensive projections of the proposed wastewater discharges; both quantitative and qualitative characteristics...
- c) Provide complete information on levels of treatment proposed at the treatment facility...
- d) Provide comprehensive monitoring plan ...
- e) Perform oceanographic studies ...
- f) Perform tests of ocean waters at the proposed discharge site and surrounding waters

GENERAL PLAN UPDATE

Proposed GPU policy ER-5.1 may be adopted, but with a clarification to replace "shall seek to" with "shall."

COASTAL LAND USE PLANS

Retain existing No Co LUP Policy 2.3.3.D; DMF policy 30.A and Carmel policy 2.4.4.B.8 and make applicable coastal zone wide (i.e., apply to Big Sur as well). Add language to existing policy criteria that requires consultation with Monterey Bay National Marine Sanctuary staff for any development that may affect Sanctuary waters.

Adopt a coastal zone wide policy similar to IP Section 20.144.130.A.1 providing that prior to approving any new development that will be served by a wastewater system that has operated above 90% of its RWQCB's authorized capacity in the last five years, there are assurances that adequate capacity remains available. Calculations should be performed and verified regarding historic and projected flows and historic and projected abilities of the system to adequately handle the flows without requiring system upgrades that would be inconsistent with LCP policies.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

g) Perform toxicity studies to determine the impacts of the proposed wastewater discharges on marine life, as well as on recreational uses of the coastal waters.
h) Identify and analyze alternative methods of wastewater disposal....
The data and results of requirements a) through h) must be submitted to the County's Chief of Environmental Health for evaluation and approval. A wastewater discharge permit shall be issued only if the above information demonstrates that the proposed wastewater discharge will not degrade marine habitats; will not create hazardous or dangerous conditions; and will not produce levels of pollutants that exceed any applicable state or federal water quality standards.

No Co policy 2.5.3.B.5 says potential point sources of pollution such as community wastewater treatments systems shall be examined...to monitor water quality impacts...and allowed to expand only if pollution levels remain at acceptable standards compatible with protection of public health and biological habitats.

Big Sur LUP: no policies address this issue.

COASTAL IMPLEMENTATION PLAN

IP Sections 20.144.040.C.3, 20.146.050.C.2, 20.147.040.C.3.e similar to No Co LUP Policy 2.3.3.D; DMF policy 30.A and Carmel policy 2.4.4.B.8.

IP Section 20.144.130.A.1 states, Prior to lifting the subdivision moratorium and approving the 47 Oak Hills infill lots, a finding must be made that the Watertek treatment plant has the capacity to serve homes on all of these lots, based on assessing the historic levels of use [i.e., wastewater generation], which were higher than the present [1995] levels of use.

Retain No Co policy 2.5.3.B.5

COASTAL IMPLEMENTATION PLAN

Add to IP sections 20.144.040.C.3, 20.146.050.C.2, 20.147.040.C.3.e a clarification that these provisions apply to any coastal waters, including sloughs and rivers.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE WQ-3: Erosion and Non-point Source Pollution Control

Ensure that new development incorporates best management practices to prevent non-source pollution before, during, and after construction.

County Policies and Comments

Summary Comment: Although the LCP has generally protective policies about erosion, they are not up-to-date in requiring best management practices, which are needed to ensure that water quality is adequately protected. Also, some activities that could result in erosion, as well as potentially impact habitat, are excluded from coastal permit requirements in conflict with the Coastal Act.

To date the General Plan Update has a welcome set of best management practice policies; however, the guidance provided within them does not completely reflect state priorities for on-site detention.

GENERAL PLAN UPDATE

GPU Policy PS-5.1 requires new discretionary development projects to provide both on and off-site improvements to alleviate drainage problems before considering on-site detention of storm water. If this is not possible, the Co requires on-site stormwater detention sufficient to maintain, at a minimum, post-development peak flows at predevelopment levels for the selected design rainstorm for all development greater than one acre in area...

GPU Policy PS-5.2 requires utilizing pollution prevention measures and Best Management Practices to protect groundwater and surface water in all land altering activities. Requires all development to be compatible with adopted RWQCB protection plans, and minimize the discharge of pollutants into surface water by incorporating BMPs that control runoff, including curbs and gutters, and constructing oil and grease and silt traps for parking lots & commercial industrial development.

Recommendations

Summary: Adopt updated set of erosion control and runoff policies and ensure that they are applied to all development.

GENERAL PLAN UPDATE

Revise GPU Policy PS-5.1 as it applies to the coastal zone to state that new discretionary development projects should require on-site stormwater detention sufficient to maintain, at a minimum, post-development peak flows at predevelopment levels for the selected design rainstorm (85%) for all development. Where infeasible, other water quality BMPs shall insure water quality is protected, and the development shall provide both on and off-site management of drainage flows (soft methods a priority) to protect coastal resources (streams, riparian corridors, wetlands etc).

Revise GPU Policy PS-5.2 to replace last phrase describing BMPs with the clarification that Site Design BMPs reduce the need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the amount of Treatment Control BMPs needed for a development. Therefore, BMPs should be incorporated into the project design in the following progression:

- Site Design BMPs

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>GPU Policy PS-5.3 requires that drainage facilities be installed concurrently with, and as a condition of development, to ensure the protection of new improvements as well as existing development that might exist within the watershed.</p> <p>GPU Policy ER-4.2 requires monitoring ground and surface water and BMP measures to control both direct and indirect discharges of harmful substances into surface and groundwater.</p> <p>GPU Policy ER-4.3 seeks to control erosion and siltation from current and new land-use activities. Erosion management plans are required for all projects within high and moderate erosion hazard areas.</p> <p>GPU Policy ER-4.4 requires containment of sediment on site during construction and grading operations, drainage improvements ...to control stormwater runoff...encourages retaining runoff and soil on-site...where this is not feasible or desirable, flood control improvements are required to prevent impacts to natural drainage channels...requires BMPs to prevent any increase in stormwater runoff velocities over pre-existing rates to prevent significant sediment transport and turbidity over pre-existing conditions (defined to mean greater than 10%) and to minimize on-site collection of non-point source pollutants</p> <p>GPU Policy ER-4.5 requires that problems created by excessive runoff or soil erosion be remedied.</p> <p>GPU Policy ER-4.6 states that the County shall require that all disturbed</p>	<ul style="list-style-type: none"> · Source Control BMPs · Treatment Control BMPs. <p>BMPs selection and design should be based on guidance documents such as: California Storm Water Best Management Practices handbook (1993, or current), Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (1993), National Stormwater Best Management Practices Database (2001), and Guide for BMP Selection in Urban Developed Areas (2001).</p> <p>Adopt GPU Policy PS-5.3</p> <p>Adopt GPU Policy ER-4.2</p> <p>Adopt GPU Policy ER-4.3</p> <p>Adopt GPU Policy ER-4.4</p> <p>Add to GPU Policy ER-4.5 that the remedy shall be consistent with the policy directions of the General Plan/Local Coastal Program.</p> <p>Adopt GPU Policy ER-4.6 (Note: Additional recommendations may be</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

surfaces resulting from grading operations be prepared and maintained to control erosion. Vegetation removal on construction sites shall be minimized and limited to that amount indicated on approved Erosion Management Plans, and shall be consistent with fire safety requirements.

GPU Policy ER-4.7 states that grading permits shall be required for any new development project, including new agricultural cultivation within high and moderate erosion hazards as identified in the Soil Erosion Hazard Map in the County's GIS database and on slopes steeper than 25 percent. Permits for agricultural cultivation shall be issued only after consultation with the USDA Natural Resources Conservation Service, Resource Conservation District, or approval of an Erosion Management Plan prepared by a Registered Geotechnical Engineer.

GPU Policy ER-5.1 requires BMPs to prevent water pollution of receiving waters.

GPU Policy ER-5.3 requires vegetated buffer strips.

COASTAL LAND USE PLANS

No Co Land Use Plan

No Co policy 2.5.2.1 says point and non-point sources of pollution...shall be controlled and minimized. Restoration of degraded surface water quality shall be encouraged.

No Co policy 2.5.3.A.4 ...requires water conservation measures...which, among other things, should emphasize retention of water on site.

No Co policy 2.5.3.C.6 (a) requires diligent enforcement of current Erosion Control Ordinance; (b) ... requires agricultural management plans; (c)... requires erosion control plans that incorporate measures for

forthcoming as a result of future evaluation of the fire safety requirements.)

GPU Policy ER-4.7 may be adopted (Note: coastal permit requirements may be different than grading permit requirements, although the County could make the two consistent; the County may also wish to make Policy ER-4.7 and proposed Code Section 16.10.040 consistent).

Adopt GPU Policy ER-5.1

Adopt GPU Policy ER-5.3 (see also Recommendations for Issues SH-11, SH-12, & SH-13).

Adopt an action to coordinate with and implement where appropriate, the Monterey Bay National Marine Sanctuary's Water Quality Protection Program – especially the Urban and Agriculture Action Plans.

COASTAL LAND USE PLANS

(Note the General Plan policies could substitute for some of the current LCP policies)

No Co policy 2.5.2.1 may be retained.

No Co policy 2.5.3.A.4 may be retained with the clarification to emphasize infiltration as well as retention.

No Co policy 2.5.3.C.6 may be retained. (Note: additional recommendations may be forthcoming as a result of future evaluation of the effectiveness of land disturbance targets.)

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>on-site reduction of bare ground and max retention of stormwater runoff from impervious surfaces... shall not exceed Land Disturbance Targets (percentage of bare ground)... shall be designed to contain runoff from 20-yr recurrence interval storm... and restricts grading from Oct15-April 15 in high erosion areas; (d) ... uses the Land Disturbance Target (LDT) as primary control of cumulative impacts of erosion and sedimentation; (e) ... requires maximum retention of vegetation; (f) ... encourages conservation easements;</p> <p>No Co Policy 2.6.2.3 states that conversion of uncultivated lands on steep and erodible soils to croplands shall be regulated by the County on a permit basis.</p> <p><u>Del Monte Forest LUP</u> DMF Policy 2 requires that non-point sources of pollution to the Carmel Bay ASBS, rocky intertidal areas, and wetlands shall be minimized through careful attention to drainage and runoff control systems.</p> <p>DMF Policy 4 requires installation of onsite desilting measures (e.g., debris basins, silt traps, etc) in conjunction with initial construction and grading operations</p> <p>DMF Policy 3 restricts land clearing operations for areas >1acre per year between Oct 15 and April 15... prohibits development on slopes >30%</p> <p><u>Carmel Land Use Plan</u> Carmel policy 2.4.3.2 states that new development including access roads shall be sited, designed and constructed to minimize runoff, erosion, and resulting sedimentation. Land divisions shall be designed to minimize the need to clear erodible slopes during subsequent development. Runoff volumes and rates should be maintained at pre-development levels, unless provisions to implement this result in greater environmental damage.</p> <p>Carmel policy 2.4.3.3 states that point and non-point sources of pollution of Pt Lobos and Carmel Bay ASBS, coastal streams and the Carmel River</p>	<p>Retain No Co Policy 2.6.2.3.</p> <p>DMF Policy 2 may be retained.</p> <p>DMF Policy 4 may be retained.</p> <p>DMF Policy 3 may be retained (see also Recommendations for Issue CH-7 Steep Slopes)</p> <p>Carmel policy 2.4.3.2 may be retained.</p> <p>Carmel policy 2.4.3.3 may be retained.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Lagoon and Marsh shall be controlled and minimized.</p> <p>Carmel policy 2.4.4.B.2 states that urban stormwater runoff entering Carmel River Lagoon and Carmel Bay should be monitored...and managed accordingly to reduce potential contamination from pollutants found in urban runoff.</p> <p>Carmel policy 2.4.4.C.2 states that hillside scarring shall be minimized by restricting cut and fill operations and mass grading. For necessary grading operations, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time.</p> <p>Carmel policy 2.4.4.C.3 states that sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment and run-off waters. All sediment should be retained onsite.</p> <p>Carmel policy 2.4.4.C.4 states that the native vegetation cover, temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as soon as possible with planting of native annual grasses and shrubs, appropriate non-native plants, or with approved landscaping practices.</p> <p>Carmel policy 2.4.4.C.5 states that provisions shall be made to conduct, surface water to storm drains or suitable watercourses to prevent erosion. Onsite drainage devices shall be designed to accommodate increased run-off resulting from site modification. Where appropriate, on-site retention of stormwater should be required.</p> <p><u>Big Sur Land Use Plan</u></p> <p>Big Sur policy 3.3.3.B.1 states that development on parcels adjacent to intertidal habitat areas should be sited and designed to prevent deposition of sediment.</p>	<p>Carmel policy 2.4.4.B.2 may be retained.</p> <p>Carmel policy 2.4.4.C.2 may be retained.</p> <p>Carmel policy 2.4.4.C.3 may be retained.</p> <p>Carmel policy 2.4.4.C4 may be retained.</p> <p>Clarify that Carmel policy 2.4.4.C.5 would not require new storm drains in preference to on-site retention and infiltration.</p> <p>Big Sur policy 3.3.3.B.1 may be retained.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Big Sur policy 3.4.2.2 requires careful control of grading to avoid erosion and sedimentation.

Big Sur policy 3.7.3.A.1 states that applications shall be reviewed for potential impacts to on-site and off-site development arising from erosion. Mitigation measures shall be required as necessary.

Big Sur policy 5.4.3.K.a.2 requires erosion control for private roads.

COASTAL IMPLEMENTATION PLAN

IP Ch 16.08 is the Grading ordinance

IP Chapter 16.12 is the Erosion Control ordinance

Big Sur policy 3.4.2.2 may be retained.

Big Sur policy 3.7.3.A.1 may be retained.

Retain Big Sur policy 5.4.3.K.a.2 and apply to all roads coastal zone wide.

COASTAL IMPLEMENTATION PLAN

Adopt a provision that states that all projects requiring coastal permits must follow all of the applicable standards contained in the Grading and Erosion Control ordinances even if no grading permit is required unless the Director of Planning and Building Inspection determines that the project (a) will not significantly increase or decrease the rate or volume of surface water runoff; (b) will not have an adverse impact on a wetland water course or waterbody; and (c) will not contribute to the degradation of water quality.

Adopt revisions to Ch 16.08 that became Ch 16.10 (applicable to North County only) to apply coastal zone wide, with further revisions as indicated in Coastal Commission's August 16, 2001 letter, as follows: Regarding enforcement section 16.10.380, the preference would be for inspections to be done by the building official as a matter of standard practice for every project, not by consultants hired by the applicant. If the County wishes to make use of consultants, they should be trained, subject to an approval process, and within an established program, etc. Additionally, inspectors should have the power to issue cease and desist orders at any time there is uncontrolled erosion. In Section 16.10.400; Revise proposed section 16.10.300 to state 10 days (instead of 30) or if there will be a longer period of time between land clearing and grading, especially approaching the rainy season, then temporary erosion control measures should be installed. In proposed section 16.10.390 substitute "shall" or "will" for "may."

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

In proposed section 16.10.330.B, etc. revise requirements for hardening or lining of drainage channels and swales with concrete to allow the use of grass-lined swales and drainage channels to ensure a stable non-erosive channel while permitting the integration of vegetation and other BMPs. (see also Recommendations for SH-10 Streambank Protection)

Adopt revisions to Ch 16.12 that became Ch 16.14 (applicable to North County only) to apply coastal zone wide with the following addition: Require submittal of a post construction Storm Water Management plan detailing how stormwater and polluted runoff will be managed or mitigated over time pursuant to requirements of GPU Policy PS-5.2 (see recommendation above), including how any treatment control or structural BMPs will be maintained to insure it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season. Additionally, all applicants shall provide verification of maintenance provisions for Structural and Treatment Control BMPs, including but not limited to legal agreements, covenants, as follows:

- The developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either
- A signed statement from a public entity assuming responsibility for Structural and Treatment Control BMP maintenance and that it meets all local agency design or
- Written conditions in the sales or lease agreement, which require the recipient to assume responsibility for maintenance and conduct a maintenance inspection at least once a year; or
- Written text in project conditions, covenants, and restrictions (CCRs) for residential properties assigning maintenance responsibilities to a Home Owners Association for maintenance of the Structural and Treatment Control BMPs; or
- Any other legally enforceable agreement that assigns responsibility for the maintenance of post-construction Structural and Treatment Control BMPs.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>IP Section 16.08.030.18 defines grading as any excavating (the mechanical removal of earth material) or filling (the deposit of any material by artificial means for any purpose) or combination thereof.</p> <p>IP Section 20.06.310 in part defines development (which is subject to coastal permit requirements) as including:</p> <ul style="list-style-type: none"> - grading which requires environmental review under Mo Co CEQA guidelines (which would be all grading except on land with a slope of less than 10 percent, not within a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, nor in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist); - removal or harvesting of major vegetation including land clearing pursuant to Chapter 16.12 and removal of natural vegetation specified in the applicable ordinances as requiring a coastal development permit. "Development" shall not include removal or harvesting of major vegetation for agricultural purposes, except in North County as per Section 20.144.080.A. <p>IP Section 20.70.120.F exempts the following from requiring a coastal permit: any category of development approved as a categorical exclusion.</p> <p>IP Section 20.70.120.I exempts the following from requiring a coastal permit: harvesting of agricultural crops.</p>	<p>And also revise as indicated in Coastal Commission's August 16, 2001 letter as follows:</p> <p>Revise Section 16.14.045 requiring restoration to pre-development conditions if there is unauthorized grading on a slope greater than 25%, to apply regardless of the slope.</p> <p>In proposed sections 16.10.410 & 16.14.150 substitute "shall" or "will" for "may."</p> <p>Revise requirements for hardening or lining of drainage channels and swales with concrete to allow the use of grass-lined swales and drainage channels to ensure a stable non-erosive channel while permitting the integration of vegetation and other BMPs.</p> <p>Revise IP Section 20.06.310 defining development in part as follows:</p> <ul style="list-style-type: none"> -grading which requires environmental review under Mo Co CEQA guidelines; - removal or harvesting of major vegetation including land clearing pursuant to Chapter 16.12 and removal of natural vegetation specified in the applicable ordinances as requiring a coastal development permit. "Development" shall not include removal or harvesting of major vegetation for agricultural purposes, except in North County as per Section 20.144.080.A: <p>The County may wish to clarify this exemption in IP Section 20.70.120.I by requesting a categorical exclusion for certain grading activities</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>North County IP Chapter</u></p> <p>North County IP Section 20.144.070 contains erosion control measures including determinations of critical vs. non-critical erosion areas, requirements for an erosion control plan, priority for development on non-critical erosion areas, cross-reference to Erosion Control Ch 16.12.</p> <p>No Co Section 20.144.080.A states a coastal development permit shall be required for:</p> <ul style="list-style-type: none"> - development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater. The applicant shall provide sufficient information, such as a slope analysis, for the permit determination to be made by the Planning Department. -development of new or expanded agricultural operations where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual. The erosion hazard potential shall be determined by the planner by overlaying the appropriate Soil Survey Manual soils sheet with the parcel-based transparency. <p><u>Del Monte Forest IP Chapter</u></p> <p>DMF IP Section 20.147.030.A.2 states that no land clearing operations greater than 1 acre/year/ site or grading operations greater than 100 cubic yards may take place between 15 October and 15 April in water-supply watersheds and high erosion hazard areas. Definition of erosion hazard area shall be made using the description of hazard contained in the Soil</p>	<p>associated with agricultural activities, such as:</p> <ul style="list-style-type: none"> ·grading of less than 50 cubic yards if Planning Director determines there are no potential impacts to coastal resources; ·tillage of existing agricultural fields; ·maintenance of existing agricultural roads, provided maintenance activities do not widen the road; ·grading further than 100 ft. from ESHA; ·grading which removes no significant trees; ·grading which removes ¼ acre or less of native vegetation; ·grading on slopes under 30%, if designed per NRCS standards. <p>North County IP Section 20.144.070 may be retained, revised for consistency with the above recommendations. . (Note: additional recommendations may be forthcoming as a result of future evaluation of erosion control in North County.)</p> <p>Retain No Co Section 20.144.080.A and apply coastal zone wide. (Note: additional recommendations may be forthcoming as a result of future evaluation of erosion control in North County.)</p> <p>Retain DMF IP Section 20.147.030.A.2</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Conservation Service's "Soil Survey of Monterey County".

DMF IP Section 20.147.030.A.3 states that point and Non-point sources of pollution to the Carmel Bay "Areas of Special Biological Significance", rocky intertidal areas, and wetlands shall be minimized. It shall be determined through staff review of the project whether or not the project contains, as a course of their operation or, as any other result of their existence, the ability or possibility to contribute to the degradation of the water and marine resources of the area. Those projects which are determined to have such an effect shall supply to the Planning staff proof of adequate erosion and runoff control systems to control any off-site effects of the projects. These erosion control and runoff plans shall be routed to the Building Inspection Department and the Flood Control District for their review and comment upon the adequacy of the report. The criteria of the AMBAG 208 Water Quality Management Plan shall apply in watersheds affecting these resources.

Carmel IP Chapter

Carmel IP section 20.146.050.D.2 same as Carmel policy 2.4.3.2.

Carmel IP section 20.146.050.E.4 has requirements for erosion control plans; incorporates provisions of Carmel policies 2.4.4.C.2 –C.5.

Big Sur IP Chapter

Note: Big Sur IP does not have an erosion control section like the other three segment IPs.

Big Sur IP Section 20.145.130.D.4.d states that potential erosion impacts from road construction shall be adequately mitigated (i.e., the proposed road construction will not induce landsliding or significant soil creep, nor increase existing erosion rates), as verified by a soils engineer. As a condition of project approval, a soils report shall be required and submitted for approval of the Director of Building Inspection prior to the issuance of building or grading permits. The report, prepared by a soils engineer, shall provide necessary mitigation measures and verify the adequacy of the erosion control measures.

DMF IP Section 20.147.030.A.3 may be retained with the caveat that Chapter 16.12 (or 16.14) applies as well.

Retain Carmel IP section 2.4.4.B.2 2.4.4.C.1.

Carmel IP section 20.146.050.E.4 may be retained with the caveat that Chapter 16.12 (or 16.14) applies as well.

Retain Big Sur IP Section 20.145.130.D.4.d.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE WQ-4: Agriculture and Confined Animal Facility BMPs Ensure that tailored BMPs for agricultural activities and confined animal facilities are employed to prevent non-source pollution.	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The certified LCP generally addresses livestock enclosures for North County only and has a provision that calls for future action in the Carmel Area. Thus, there is the potential for non-point source pollution from keeping animals, especially in the rural part of Carmel and in Big Sur.</p> <p>To date the General Plan Update has not directly addressed the issue, other than through setbacks.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-5.4 requires 300-foot domestic animal setbacks from drainages and water bodies.</p>	<p>Summary: Adopt policies to ensure that confined animal facilities do not result in water quality degradation.</p> <p><u>GENERAL PLAN UPDATE</u> Adopt GPU Policy ER-5.4 with the addition of a reference to other ESHA setbacks as well. (See Recommendations for Issue SH-13 Other ESHA Setbacks.)</p> <p>Adopt as a coastal zone wide policy: Animal waste, wastewater, and any other byproducts of agricultural activities shall be properly disposed of on land or through suitable sewage disposal systems, if available. The disposal of such wastes in or near streams or ESHA is prohibited.²⁷</p> <p>Adopt as a coastal zone wide policy: The maximum number of animals permitted on a site shall be limited to that appropriate to the parcel size, slope, location of ESHA, and any other constraints.</p> <p>Adopt as a coastal zone wide policy: Vegetated filter strips and other treatment measures shall be incorporated into animal facilities to intercept, infiltrate, and filter runoff.</p> <p>Adopt as a coastal zone wide policy: Confined animal facilities shall be sited and designed to manage, contain, and dispose of animal waste using BMPs²⁸ to insure that waste is not introduced to surface runoff or</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>COASTAL LAND USE PLANS</u></p> <p><u>No Co LUP</u> policy 2.5.3.B.2 requires agricultural runoff to be monitored and techniques to be established by the proposed North County Agricultural Management Program to reduce pesticide and nitrate contents.</p> <p>No Co policy 2.5.3.C.6(g) ...requires livestock enclosures to be sited to minimize erosion ... and retention of sediment on-site</p> <p><u>Carmel LUP</u> Appendix Policy 9 requires the enactment of a new or revision of an existing ordinance dealing with the keeping of livestock on small parcels of land that are not farms or ranches, focusing on areas likely to be subject to overgrazing and accelerated erosion; and require the granting of a livestock permit before livestock may be maintained in certain circumstances.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Several zoning districts permit the keeping of livestock, horses, and other animals also with stables and other ancillary facilities, but with no</p>	<p>groundwater.</p> <p>Adopt as a coastal zone wide policy: All stables and other animal keeping operations shall be managed to prevent discharge of sediment, nutrients, contaminants, and feces to surface and ground water. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation or polluted runoff on any public road, adjoining property, or in any drainage channel.</p> <p>Adopt a coastal zone wide action to coordinate with the Regional Water Quality Control Board on implementing measures to prevent confined animal facilities from causing water pollution.</p> <p>Adopt an action to develop guidance for preparation of Water Quality Mitigation Plans for confined animal facilities, including short forms and standard plan components for facilities with a small number of animals.</p> <p><u>COASTAL LAND USE PLANS</u></p> <p>Adopt substance of No Co. policy 2.5.3.B.2 as a coastal zone wide action.</p> <p>Retain No Co policy 2.5.3.C.6(g) and adopt coastal zone wide.</p> <p>Adopt Carmel LUP Appendix Policy 9 coastal zone wide with the addition of an action to review and update the ordinance over time to incorporate state of the art BMPs.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Add an IP section on confined animal facilities requiring a Water Quality Mitigation Plan to be prepared and submitted as part of the coastal permit</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

specific requirements.

No Co IP Section 20.144.070.E.18 states that livestock enclosures shall minimize erosion and resulting sedimentation. Proposed development of enclosures shall be modified for siting, location, grading, and vegetation removal where such modifications will result in minimized erosion. Measures to control erosion and drainage and to retain sedimentation on the site shall be required as a condition of project approval, subject to approval of the Director of Building Inspection.

application. The Plan shall demonstrate how the above land use plan provisions will be implemented, shall be modified as necessary, and shall be incorporated in the conditions of any permit approval to be followed for the life of the permitted facility. The Plan shall provide for:

1. Minimizing erosion and prevent excessive sediment and pollutants from adversely impacting water quality by incorporating BMPs such as:

- a. Diversions
- b. Grassed waterways
- c. Sediment basins
- d. Terraces
- e. Critical area planting
- f. Crop residue use
- g. Conservation cover
- h. Filter strips

2. Minimizing the release of pesticides into the environment by implementing Integrated Pest Management (IPM) strategies that apply pesticides only when an economic benefit to the producer will be achieved and apply pesticides efficiently and at times when runoff losses are least likely shall be implemented. Pesticide runoff shall be carefully managed in a comprehensive manner, including evaluating past and current pest problems and cropping history, evaluating the physical characteristics of the site, selecting pesticides that are the most environmentally benign, using anti-backflow devices on hoses used for filling tank mixtures, and providing suitable mixing, loading and storage areas.

3. Minimizing nutrient loss by developing and implementing comprehensive nutrient management plans based on crop nutrient budgets, identification of the types, amounts and timing of nutrients necessary to produce a crop based on realistic crop yield expectations and identification of onsite environmental hazards.

4. Reducing water loss to evaporation, deep percolation and runoff, remove leachate efficiently, and minimize erosion from applied water by implementing a managed irrigation system that includes the following components:

- a. Irrigation scheduling
- b. Efficient application of irrigation water

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

c. Efficient transport of irrigation water
d. Use of runoff or tailwater
e. Management of drainage water
5. Reducing physical disturbance of soil and vegetation and minimize direct loading of animal waste and sediment to sensitive areas by implementing the following siting and design measures for confined animal facility development:
a. Natural vegetation shall be maintained on site and vegetated filter strips, sediment basins and other measures to treat runoff shall be incorporated into the animal facility design.
b. Animal waste shall be managed, contained, and disposed of to ensure that waste is not introduced to surface runoff or groundwater.
c. Paddocks, stalls and bedding shall be cleaned on a regular basis and waste stored at least 100 feet away from streams or other surface waters. Wastes shall be covered with impermeable materials during the rainy season at a minimum.
d. Clean water shall be diverted around feedlots, holding pens, and the storage or disposal areas for waste, compost, fertilizer, amended soil products and any other byproducts of agricultural activities.²⁹
The required level of detail of the Water Quality Mitigation Plan shall be commensurate with the number of animals being kept, the size of the area they are being kept in, and its erodibility.

Add an IP definition of confined animal facilities along the following lines and ensure that all such facilities comply with the above recommended section: A confined animal facility is a lot or facility (other than an aquatic animal production facility) where the following conditions are met: 1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and 2. Crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Confined animal facilities include areas used to grow or house the animals, areas used for processing and storage of product, manure and runoff storage areas, and silage storage areas.³⁰

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE WQ-5: Wastewater Treatment Best Management Practices

Ensure that BMPs tailored to address development and operation of on-site wastewater systems are employed to prevent non-source pollution.

County Policies and Comments

Summary Comment: The current LCP has generally adequate policy language with regard to preventing pollution from septic systems; however, not all of these policies are found in all segments. Additionally, a comprehensive review of the ordinance provisions revealed the need for more stringency with regard to possible nitrate contamination of the groundwater. The County prepared such revisions but never submitted them to amend the LCP, thus leaving the deficient regulations in place.

To date the General Plan Update has a welcome policies address nitrate contamination.

GENERAL PLAN UPDATE

GPU policy ER-1 states that the County shall protect and enhance local creeks, lakes, wetlands, and beaches through rigorous enforcement of its septic disposal permits...

GPU policy PS-4.10 states that the County shall require adequate monitoring, maintenance and operation of individual onsite septic systems with less than 2500 gallons per day average flows serving commercial and industrial facilities to prevent environmental degradation in areas not served by public wastewater treatment systems.

GPU Policy PS-4.11 states that for existing lots of record, new septic systems may be permitted on minimum lots of no less than one acre.

GPU Policy PS-4.12 states that the County shall not permit the construction of individual sewage disposal systems on sites with slopes greater than 25 percent.

Recommendations

Summary: Revise septic ordinance to better prevent nitrate contamination and update consistent with RWQCB requirements.

GENERAL PLAN UPDATE

Adopt GPU policy ER-1

GPU policy PS-4.10 policy may be adopted; however, a similar policy should be adopted to apply to all other septic systems.

Adopt GPU Policy PS-4.11.

GPU Policy PS-4.12 may be adopted.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

GPU Policy PS-4.14 states that construction of new on-site private septic systems is not permitted in rural areas where it is documented that nitrates have contaminated the local aquifer. The threshold for nitrate contamination shall be when domestic water supplies in the area have nitrate levels reaching 25 milligrams per liter.

COASTAL LAND USE PLANS

North County Land Use Plan

No Co LUP Policy 2.5.2.5 states that new rural development shall be located and developed at densities that will not lead to health hazards on an individual or cumulative basis due to septic system failure or contamination of groundwater. On-site systems should be constructed according to standards that will facilitate long-term operation. Septic systems shall be sited to minimize adverse effects to public health, sensitive habitat areas, and natural resources.

No Co policy 2.5.3.B.3 requires minimum new parcel size of 2.5 acres where septic systems are used.

No Co policy 2.5.3.B.4 states that adequate maintenance and repair of septic systems shall be required to limit pollution of surface waters and protect the public health.

No Co policy 2.5.3.B.5 states that new on-site waste disposal systems shall not be allowed on slopes exceeding 30 percent as required by the Regional Water Quality Control Board Basin Plan.

No Co Action 2.5.4.3 similar to Carmel Action 2.4.5.2.

No Co policy 4.3.6.D.3 states that for low density areas, housing densities and lot sizes shall be consistent with the ability of septic systems to dispose of waste without contamination of groundwater or the creation of hazards to public health on an individual site and cumulative basis.

Adopt GPU Policy PS-4.14.

COASTAL LAND USE PLANS

Retain No Co LUP Policy 2.5.2.5

Retain No Co policy 2.5.3.B.3

Retain No Co policy 2.5.3.B.4

Retain No Co policy 2.5.3.B.5 and add second sentence from Carmel LUP Policy 2.4.4.B.5 or adopt GPU Policy PS-4.12 instead (Note: that if a lot is rendered unbuildable under this policy an exception is possible under IP Section 20.02.060.C)

Retain No Co Action 2.5.4.3

Retain No Co policy 4.3.6.D.3

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Carmel Land Use Plan

Carmel LUP Policy 2.4.3.4 states that new development shall be located and developed at densities that will not lead to health hazards on an individual or cumulative basis due to septic system failure or contamination of groundwater. On-site systems should be constructed according to standards that will facilitate long-term operation. Septic systems shall be sited to minimize adverse effects to public health and sensitive resource areas.

Carmel LUP Policy 2.4.4.B.3 states that adequate maintenance and repair of septic systems shall be required to limit pollution of surface waters and protect the public health.

Carmel LUP Policy 2.4.4.B.5 states that new onsite waste disposal systems shall not be allowed on slopes exceeding 30 percent as required by the Regional Water Quality Control Board (RWQCB) Basin Plan. Slopes in excess of 30 percent shall not be graded to allow use for septic fields.

Carmel LUP Action 2.4.5.2 states that the septic tank ordinance and regulations should be amended to require dual leach fields in any new development in Carmel Highlands and other areas which are not expected to be served by sewers in the Carmel area. Other amendments should require a prohibition of new onsite systems on slopes over 30 percent.

Carmel LUP Policy 4.4.3.E.5 states that for low-density residential development housing densities and lot sizes shall be consistent with the ability of septic systems to dispose of waste without contamination of coastal streams or creation of hazards to public health. ...the density and minimum parcel size for new land divisions shall be one acre unless waste disposal constraints dictate otherwise.

Carmel LUP Policy 2.3.4.Wet.9 same as Big Sur policy 3.3.3.B.1

Big Sur Land Use Plan

Big Sur policy 3.3.3.B.1 states that development on parcels adjacent to

Retain Carmel LUP Policy 2.4.3.4

Retain Carmel LUP Policy 2.4.4.B.3 and adopt for Big Sur as well.

Retain Carmel LUP Policy 2.4.4.B.5 and adopt for Big Sur as well or adopt GPU Policy PS-4.12 instead (Note: that if a lot is rendered unbuildable under this policy an exception is possible under IP Section 20.02.060.C).

Retain Carmel LUP Action 2.4.5.2 and make consistent with final slope requirement.

Retain Carmel LUP Policy 4.4.3.E.5

Retain Carmel LUP Policy 2.3.4.Wet.9

Retain Big Sur policy 3.3.3.B.1

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>intertidal habitat areas should be sited and designed to prevent percolation of septic runoff.</p> <p>Big Sur LUP policy 3.4.3.C.1 requires minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, ...encouraging wastewater reclamation and maintaining natural vegetated buffer areas...</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Ch 15.20 contains septic regulations.</p> <p><u>North Co IP Chapter</u> North County IP Section 20.144.070.E.13 similar to No Co LUP Policies 2.5.2.5 & 2.5.3.B.3.</p> <p>North County IP Section 20.144.070.E.14 similar to No Co LUP Policy 2.5.3.B.5.</p> <p><u>Carmel IP Chapter</u> Carmel IP Section 20.146.040.C.3.c similar to Carmel LUP Policy 2.3.4.Wet.9</p> <p>Carmel IP Section 20.146.040.D.3 similar to Carmel LUP Policy 2.4.3.4</p> <p>Carmel IP Section 20.146.040.E.3.a similar to Carmel LUP Policy 2.4.4.B.3</p> <p>Carmel IP Section 20.146.040.E.3.c similar to Carmel LUP Policy 2.4.4.B.5.</p> <p>Carmel IP Section 20.146.120.B.4.d similar to Carmel LUP Policy 4.4.3.E.5.</p>	<p>Retain Big Sur LUP policy 3.4.3.C.1</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Revise Ch 15.20 to prohibit deep pit septic systems in areas of documented nitrate concentration, maximize setbacks from wells, codify RWQCB standards, etc.³¹ and also make consistent with above Plan recommendations.</p> <p>Retain North County IP Section 20.144.070.E.13</p> <p>Revise North County IP Section 20.144.070.E.14 consistent with above policy recommendation.</p> <p>Retain Carmel IP Section 20.146.040.C.3.c</p> <p>Retain Carmel IP Section 20.146.040.D.3</p> <p>Retain Carmel IP Section 20.146.040.E.3.a</p> <p>Retain Carmel IP Section 20.146.040.E.3.c; revise consistent with final slope determination.</p> <p>Retain Carmel IP Section 20.146.120.B.4.d</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>Big Sur IP Chapter</u> Big Sur IP Section 20.145.040.c.2.a same as policy 3.3.3.b.1</p> <p>Big Sur IP Section 20.145.140.A.13 states that on-site septic or other waste disposal systems shall not be permitted on slopes exceeding 30%. One acre shall be considered to be the minimum area for development of a septic system.</p>	<p>Retain Big Sur IP Section 20.145.040.c.2.a</p> <p>Retain Big Sur IP Section 20.145.140.A.13; revise consistent with final slope determination.</p> <p>Add to Big Sur IP provisions to implement above recommendations (add provisions from Carmel LUP Policy 2.4.4.B.3 & .5)</p>
<p>ISSUE WQ-6: Watershed Planning Ensure that watershed planning occurs to address non-point source pollution, along with habitat protection and restoration.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Although the North County and Big Sur Land Use Plans mention watershed planning, no segment has requirements for a comprehensive program of preparing and implementing watershed management plans to address non-point source pollution and related habitat protection and restoration.</p> <p>To date the General Plan Update directly addresses watershed planning only for water supply purposes.</p> <p><u>GENERAL PLAN UPDATE:</u> GPU Action PS-3.a says to prepare a countywide Comprehensive Integrated Water Management Plan... The Plan shall define the appropriate management methods to be used for each of the watersheds.</p>	<p>Summary: Adopt an action to prepare watershed management plans, including a process for determining a priority listing, funding and procedures for this task.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Action PS-3.a may be adopted.</p> <p>Adopt an action to support watershed based planning efforts; to help coordinate and participate in watershed planning sponsored by other entities; and to integrate the results into the County's planning and regulatory framework (e.g., incorporate through local coastal program amendments). Watershed planning efforts shall be facilitated by helping to:</p> <ul style="list-style-type: none"> · Develop guidance as to how to perform successful watershed planning; Pursue funding to support the development of watershed plans; · Identify priority watersheds where there are known water quality problems or where development pressures are greatest;

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>COASTAL LAND USE PLANS</u> <u>North County Land Use Plan</u> No Co policy 2.5.3.4.C.b provides for watershed plans for certain watersheds with substantial bare ground coverage.</p> <p><u>Big Sur LUP</u> Big Sur policy 3.4.2.2 requires adherence to the best watershed planning principles including: stream setbacks, stream flow maintenance, performance controls for site development, maintenance of good and safe water quality, protection of native vegetation along streams and careful control of grading to avoid erosion and sedimentation.</p>	<ul style="list-style-type: none"> · Assess land uses in the priority areas that degrade coastal water quality; · Ensure full public participation in the plan's development; Disseminate watershed planning information. <p><u>COASTAL LAND USE PLANS</u> (Note: North County subwatershed planning success will be addressed in the future)</p> <p>Retain Big Sur policy 3.4.2.2</p>
<p>ISSUE WQ-7: Public Works Maintenance Ensure that public works (e.g., sewage and storm drain infrastructure systems) in Monterey County are maintained and improved in a manner consistent with Coastal Act policies.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP does not contain specific policies addressing public works facility maintenance in a manner consistent with Coastal Act water quality protection and other policies, other than placing limits on adverse maintenance work on Highway One in Big Sur.</p> <p>To date the General Plan Update does not directly address this issue.</p>	<p>Summary: Adopt policies that address repair and replacement of pipelines in a manner most protective of water quality, habitat, and public access.</p> <p>Adopt a coastal zone wide policy requiring that when pipelines are replaced, consideration is given to relocation away from hazard, habitat, or beach areas and is required unless the relocation is not consistent with other policies. Any work performed on outfalls that will continue a beach or shoreline discharge shall include incorporation of pollution</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>COASTAL LAND USE PLANS</u></p> <p><u>North County Land Use Plan</u> specifically addresses maintenance of public access facilities, no other public facilities.</p> <p><u>Del Monte Forest Land Use Plan</u> specifically addresses maintenance of open space, no other public facilities.</p> <p><u>Carmel Land Use Plan</u> has no specific public works maintenance policies.</p> <p><u>Big Sur Land Use Plan</u></p> <p>Big Sur policy 3.3.3.B.2 states that alteration of the shoreline including diking, dredging, and filling, shall not be permitted except for work essential for the maintenance of Highway 1.</p>	<p>prevention treatment measures. No additional outfalls discharging onto a beach or shoreline should be permitted.</p> <p>Adopt a policy requiring that where pipelines located on beaches or the shoreline are being upgraded or replaced and can not be relocated inland, then consolidation should occur.</p> <p>Adopt a coastal zone wide action for routine inspection and maintenance of pipelines and development and implementation of a procedure for reporting problems to appropriate public health officials.</p> <p>Adopt a coastal zone wide policy requiring adherence to best management practices when pipelines are repaired, upgraded, or replaced.</p> <p>Adopt an action for frequent sweeping of public streets and parking lots to remove debris and contaminant residue.</p> <p>Adopt an action to develop programs for maintenance of public facilities to prevent pollution in developed areas of the County's coastal zone.³²</p> <p>Adopt a coastal zone wide action for at least annual inspection and, if necessary, repair by the start of the rainy season of structural BMPs operated by the County.</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Big Sur policy 3.9.1.3 states that where dredging or temporary dikes are required for essential work or maintenance of Highway 1, they should avoid disruption of marine and wildlife habitats and should restore the site to its original condition as early as practical.

Big Sur LUP Ch 6 has public access maintenance policies.

V. AGRICULTURAL RESOURCES

Coastal Act Section 30241 requires the maximum amount of prime agricultural land to be maintained in agricultural production; requires conflicts to be minimized between agricultural and urban land uses through criteria listed in this section which includes but is not limited to establishing stable boundaries separating urban and rural uses, including where necessary clearly defined buffer areas to minimize conflicts; by limiting conversions of agricultural lands around the periphery of urban areas. Section 30242 precludes conversion of all other lands suitable for agricultural use to non-agricultural uses unless continued or renewed agricultural use is not feasible or such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250 and provided any such conversion will not be incompatible with adjacent agricultural use.

ISSUE AG-1: Prime Agricultural Land

Ensure that viable prime agricultural land is appropriately designated so as to be protected pursuant to Coastal Act policy.

County Policies and Comments

Summary Comment: The current land use plan has adequate policies to address prime agricultural land. However a review of an overlay of prime land onto the land use designations reveals several instances of a residential designation, whereas policy would require an agricultural designation. While some agricultural uses are still allowed in the residential designations, the long-term viability of the agricultural land will not be assured in a manner required by the Coastal Act.

To date the General Plan Update relies on large lot zoning to retain agriculture use.

GENERAL PLAN UPDATE

GPU Goal AG-1 states, "Promote the long-term conservation of productive and *potentially* productive agricultural land [emphasis

Recommendations

Summary: Apply Agricultural Preservation or Agricultural Conservation designations to all prime and other agricultural land that requires such a designation under current policy.

GENERAL PLAN UPDATE

GPU Goal AG-1 may be adopted.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

added].”

GPU Policy AG-1.1 directs the County to work with NRCS and state Department of Conservation for identifying important agricultural lands.

GPU Policy AG-1.2 directs urban growth and other incompatible development away from ag lands, except in City Growth Areas.

COASTAL LAND USE PLANS

No. County LUP

No. County Policy 2.6.1 states the County shall support the permanent preservation of prime agricultural soils exclusively for agricultural use and shall also protect productive farmland not on prime soils if it meets State productivity criteria. Requires development to prime and productive farmland to be compatible with agriculture.

No Co LUP Policy 2.6.3.1 provides for a three-level system of land use categories applied to prime and productive agricultural lands:

a. An agricultural land use designation for prime and productive agricultural lands, Agriculture Preservation, shall be applied to all parcels containing prime and productive agricultural soils (SCS Class I-IV), and other lands in cultivated agriculture of less than 10 percent average slope. Emphasis is placed on including large contiguous areas in this designation in order to restrict the encroachment of land uses that may threaten the agricultural viability of these lands.

b. An agricultural land use designation, Agricultural Conservation, shall be applied to: 1) relatively small pockets of prime

GPU Policy AG-1.1 may be adopted.

Add an action for the County to work with other appropriate agencies (e.g. local agricultural extension, Central Coast Farm Bureaus, American Farmland Trust etc.) to maintain an updated inventory of agricultural lands in the coastal zone not currently designated as Agricultural Preservation or Agricultural Conservation and initiate future land use plan amendments where necessary to comply with, North County LUP policy 2.6.3.1.

COASTAL LAND USE PLANS

Retain policy 2.6.3.1.

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>agricultural soils (SCS Class I and II) that are not within or adjacent to the more extensive agricultural areas designated under the Agriculture Preservation land use category...</p> <p>North County Land Use map shows some prime and other important farmland designated Low Density Residential and Rural Residential (See Map AG-1).</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Zoning map North County Land Use map shows some prime and other important farmland designated Low Density Residential and Rural Residential.</p> <p>Ch 20.30 contains regulations for Agricultural Preserve (CAP CZ) zoning district which limit uses to agricultural and agricultural-related ones.</p> <p>Ch 20.32 contains regulations for Agricultural Conservation (AC CZ) zoning district which limit uses to agricultural and agricultural-related ones.</p>	<p>Review each area and determine if an Agricultural Preservation or Agricultural Conservation designation is needed to be consistent with No Co LUP Policy 2.6.3.1 and redesignate those that are.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Correspondingly rezone agricultural areas to CAP or AC districts.</p> <p>Retain Ch 20.30 regulations</p> <p>Retain Ch 20.32 regulations.</p>
<p>ISSUE AG-2: Triple M Ranch Ensure that Triple M Ranch, which is now an agricultural demonstration and training facility, is appropriately designated, consistent with Coastal Act agricultural protection policy.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: The LCP designation of Rural Density Residential has become inappropriate for the 195 acre Triple M Ranch. The Ranch has now been preserved by non-profit agencies to maintain its current agricultural use, which is a priority use under the Coastal Act. Under the current zoning the land could be subdivided into 39 residential parcels. Given that the site is sloping, is currently farmed and has some prime land, it fits the criteria for an Agricultural Conservation designation. The contiguous Brothers Ranches and the nearby Blohm and El Chamisal Ranches have also now been preserved by non-profit agencies for agricultural use and</p>	<p><i>Recommendations</i></p> <p>Summary: Redesignate Triple M, Brothers, Blohm, and El Chamisal Ranches to Agricultural Conservation.</p>

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

habitat protection/restoration, rendering the Rural Density Residential designation on those properties potentially obsolete as well.

To date the General Plan Update partially addresses this issue by not allowing subdivisions into parcels less than 40 acres.

GENERAL PLAN UPATE:

GPU Land Use Plan is same as current land use plan.

GPU policy LU-6.5 limits density of rural lands to one dwelling unit per 40- 160 acres depending on slope.

COASTAL LAND USE PLANS

North County Land Use Plan

Existing land use designation is Rural Density (5-40acres/unit).

No Co LUP policy 2.6.3.1.b describes which lands should be designated as Agricultural Conservation including those with pockets of prime land and those farmed on slopes.

No Co LUP policy 2.6.3(3) requires siting structures on the least agriculturally viable area of parcels designated AC.

COASTAL IMPLEMENTATION PLAN

Existing zoning is would allow subdivision into 5 acre residential parcels.

AC zoning allows for agricultural uses, support uses, and farm labor housing.

GENERAL PLAN UPATE:

Redesignate Triple M, Blohm, El Chamisal and Brothers Ranches to Agricultural Conservation. If large tracts of these lands are to be preserved for habitat uses, redesignate those portions to Resource Conservation. (See Map AG-1)

COASTAL LAND USE PLANS

COASTAL IMPLEMENTATION PLAN

Rezone Ranches to AC(CZ). If large tracts of these lands are to be preserved for habitat uses, redesignate those portions to RC Resource Conservation.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 (831) 427-4863

PRELIMINARY ANALYSIS OF SOME PERIODIC REVIEW ISSUES AND RECOMMENDATIONS: PART II

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

PART I. TABLE OF CONTENTS

(see first part of document, pages 1 through 124)

- I. INTRODUCTION
- II. LAND USE AND PUBLIC WORKS INFRASTRUCTURE
- III. ENVIRONMENTALLY SENSITIVE HABITATS
- IV. WATER QUALITY & MARINE RESOURCES
- V. AGRICULTURAL RESOURCES

PART II. TABLE OF CONTENTS

VI. PUBLIC ACCESS & RECREATION.....	127
ISSUE PA-1: Short-term Rentals.....	127
ISSUE PA-2: Public Access in ESHA.....	128
ISSUE PA-3: Timeshare Conversion.....	133
ISSUE PA-4: Temporary Events.....	134
ISSUE PA-5: Malpas Creek Beach.....	137
ISSUE PA-6: Yankee Point Beach.....	140
ISSUE PA-7: Stillwater Cove.....	142
ISSUE PA-8: Sycamore Canyon.....	145
ISSUE PA-9: Carmel River State Beach (aka Monastery Beach) Parking.....	146
VII. COASTAL HAZARDS.....	148
ISSUE CH-1: Technical Reports.....	148
ISSUE CH-2: Bluff-top Setbacks.....	151
ISSUE CH-3: Seawalls.....	154
ISSUE CH-4: Structural Changes in Hazardous Areas.....	157
ISSUE SH-5: Shoreline Structure Design.....	158
ISSUE CH-6: Tunnels.....	161

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE CH-7: Steep Slopes	163
VIII. SCENIC RESOURCES	165
ISSUE SR-1: Historic Resource Protection	165
ISSUE SR-2: Air Space Protection in Critical Viewshed.....	175
ISSUE SR-3: Undergrounding Utilities	177
ISSUE SR-4: Views from Offshore	179
ISSUE SR-5: Cellular Towers	183
ISSUE SR-6: Landmark Trees	185
ISSUE SR-7: Critical Viewsheds.....	189
ISSUE SR-8: Ridgetop Development.....	198
ISSUE SR-9: “Trophy Homes”	204
IX. ENERGY & INDUSTRIAL DEVELOPMENT	208
ISSUE EN-1: Duke Energy	209
ISSUE EN-2: Oil & Gas Leases	210
ISSUE EN-3: Granite Rock	212
ISSUE EN-4: Energy and Industrial Facilities	216

This report was prepared with financial assistance from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, under the provisions of Section 309 of the Coastal Act Reauthorization Amendments of 1990

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

VI. PUBLIC ACCESS & RECREATION

Coastal Act sections 30210- 30214 require that maximum public access opportunities be provided, consistent with public safety and the need to protect private property owners' rights and natural resource areas from overuse. The Act further requires that development not interfere with the public's right of access to the sea. The provision of public access, however, is to take into account whether or not adequate public access exists nearby, or if agriculture would be adversely affected. With regard to Local Coastal Program requirements, the Coastal Act provides that each LCP shall contain a specific public access component. Coastal Act Sections 30220 –30223 give priority to visitor-serving uses, especially along the immediate shoreline.

ISSUE PA-1: Short-term Rentals

Ensure that if the County wants to allow short-term rentals of residences, they are consistent with Coastal Act policies to provide additional visitor-serving uses and to protect special communities which are visitor destinations, as well as are consistent with other LCP provisions (e.g., with the definition of “dwelling.”)

County Policies and Comments

Summary Comment: While the County has an ordinance governing transient rentals outside of the coastal zone (Code Section 21.64.280), there is no corresponding ordinance in the LCP (Title 20 of the Code). The County proposed such an ordinance, but the ordinance was never acted on by the Coastal Commission due to internal inconsistencies that prevented it from being filed. The County wanted to allow short-term rentals in dwellings, but dwellings by definition cannot be rented in the short-term. Some type of short-term rental program would be desirable in the coastal zone to increase the supply of overnight accommodations, but is not mandatory given the presence of other overnight facilities. Also, the local coastal program currently allows Bed and Breakfasts in the coastal zone, which are a variant of short-term rentals that have specific requirements to protect the neighborhood and environment and to include resident management.¹

To date the General Plan Update does not address this issue,

Recommendations

Summary: If the County wishes to allow short-term rentals of residences (throughout or in parts of the coastal zone), the various definitions of “dwelling” and “transient occupancy” must be revised to be internally consistent.

¹ IP Section 20.06.110 defines Bed and Breakfast Facility as an establishment providing overnight accommodations and a morning meal by people who provide rental rooms in their homes. Bed and Breakfast regulations (IP Section 20.64.100.C.3) state that the property owner shall occupy and manage the bed and breakfast facility, no long-term rental of rooms shall be permitted, the maximum stay for guests is 29 consecutive days in any 30 day period, and no more than 60 days in a one year period. IP Chapters 20.08 through 20.20 conditionally allow Bed and Breakfast facilities in High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential, Watershed and Scenic Conservation, and Moss Landing Commercial zoning districts.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>although there are proposals by the Big Sur LUAC to include such a policy.²</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Coastal Implementation Plan Section 20.06.360 defines “Dwelling” as a structure or portion thereof designed for or occupied exclusively for non-transient residential purposes including one family and multiple family dwellings, but not including hotels, motels, boarding, or lodging houses or other transient occupancy dwellings.</p> <p>CIP Section 20.06.1310 defines “Transient Occupancy” to mean occupying for consideration a structure designed, intended or used for temporary dwelling, lodging or sleeping purposes by non-family members and any commercial use of a structure or portion.</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>If the County wants to formally allow short-term rentals in the coastal zone, this can be accomplished by developing and implementing an administrative permit or business license procedure that does not have to be part of the local coastal program. (Because transient occupancy of an existing residence is not defined as “development” that is regulated by a coastal development permit, such procedures would not have to be included in the local coastal program.) Such provisions should also contain suitable criteria for short-term rentals and may designate certain areas where they are allowed.</p> <p>If the County wants to allow transient rentals of “dwellings” in the coastal zone, it would require an amendment to the local coastal program to revise the existing definition of “dwelling” since it is currently defined as being exclusively for non-transient residential purposes.</p>
<p>ISSUE PA-2: Public Access in ESHA</p> <p>Ensure that ESHA protection does not totally preclude or limit public use/enjoyment of these areas so as to ensure that both Coastal Act ESHA and public access and recreation policies are applied.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The certified LCP contains policies that strike a balance between preserving and ensuring the functioning of environmentally sensitive habitat areas while allowing a</p>	<p>Summary: Retain existing policies for allowing access within habitats where the use does not conflict with resource protection and there is adequate mitigation.</p>

2 The Big Sur LUAC has recommended the following policy as a clarification and alternative to short-term rentals of homes, which it recommends against: “Bed and Breakfasts - Bed and Breakfasts shall be defined as a visitor facility that is occupied and managed by the owner of the property on which the facility is located, and which does not exceed 5 guestrooms. There is no acreage per guestroom density requirement for Bed and Breakfasts. The number of guestrooms shall not be subject to increase (e.g., by use of TDCs, TDRs, etc.). Bed and Breakfasts shall be located within Rural Community Centers or Watershed and Scenic Conservation areas. The facility shall not be affiliated with hotels or motels operating anywhere in Monterey County. Bed and Breakfasts within Rural Community Centers shall be located on a parcel not less than 10 acres in size. Bed and Breakfasts located within Watershed and Scenic Conservation Areas shall be located on a parcel not less than 40 acres in size. Bed and Breakfasts shall demonstrate adequate parking, sewage treatment, and road capacity, and shall otherwise comply with all policies in this Plan. Bed and Breakfasts shall only be located where they have direct access to a public road, or, where they have use of a common driveway or private road that intersects a public road with permission from all owners of property served by the driveway or private road. Bed and breakfasts shall not be located where Sycamore Canyon Road or Palo Colorado Road is used for access. This Policy shall control over other standards in conflict herewith that are applicable to Bed and Breakfasts under this Plan or by County Ordinance.” Notwithstanding this last provision, if this policy is to be adopted, there will have to be a corresponding zoning revision to allow Bed And Breakfasts in the VSC zone, which is the one applied to Rural Community Centers.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

commensurate level of access. There are appropriate criteria for locating, designing, and managing accessways in a manner compatible with natural resource protection.

To date the General Plan update has some general policy language covering this topic, but not as comprehensive as the current LCP.

GENERAL PLAN UPDATE

GPU Policy C-11-34 states that public access in environmentally sensitive areas (e.g. haul-out sites, intertidal areas, roosting and rookeries) should be restricted to site specific access recommendations.

GPU Policy PS 10-12 limits recreation in sensitive habitat areas to passive, low intensity; dependent on the resource & compatible with long-term protection.

COASTAL LAND USE PLANS

No. County LUP:

No Co. Policy 2.3.2.7 allows limited access in sensitive habitat areas.

No Co LUP section 6.4.B. requires management plans before trails are open; including resource considerations.

No Co. Policy 6.4.F.1 requires studies to determine appropriate levels of access.

No Co. Policy 6.4.F.2.states that in locations where highly sensitive plant or wildlife habitats are found and conflicts between habitat protection and public access cannot be adequately resolved, access may be entirely inappropriate and should not be permitted.

No Co LUP policy 6.4.F.4 states that trails along river and stream corridors should be sited and designed to avoid impacts to riparian vegetation, wildlife, and water quality.

GENERAL PLAN UPDATE

If proposed GPU policy C-11.4 is to be adopted, replace “should be restricted” with “may. ”

GPU Policy PS 10-12 may be adopted.

COASTAL LAND USE PLANS

(Note: each segment has a similar set of policies, but there are some redundancies that could be eliminated and some language that could be made consistent among segments).

Retain No Co. Policy 2.3.2.7.

Retain No Co LUP section 6.4.B.

Retain No Co. Policy 6.4.F.1.

No Co. Policy 6.4.F.2 may be retained (concept is implicit in other policies).

Retain No Co LUP policy 6.4.F.4

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>No Co LUP policy 6.4.F.8 requires access compatibility with resource protection.</p> <p><u>DMF Land Use Plan</u></p> <p>DMF LUP policy 9 allows some access in sensitive habitats where resources are not disrupted.</p> <p>DMF LUP policy 25 allows some access in riparian corridors.</p> <p>DMF LUP policy 131 limits existing access in habitat areas.</p> <p>DMF LUP policy 132 discourages additional access in certain habitats; allows it only if managed.</p> <p>DMF LUP policy 133 has access recommendations for Monterey Cypress area.</p> <p>DMF LUP policy 134 states that recreational access to environmentally sensitive marine habitats should be restricted, consistent with the site specific access recommendations for these areas.</p> <p>DMF LUP policy 135 states that plans to improve existing trails or create new trails shall ensure as a condition of approval that environmentally sensitive habitats are protected from over-use.</p> <p>DMF Appendix B contains site-specific access recommendations, which address resource issues.</p> <p><u>Carmel Area Land Use Plan</u></p> <p>Carmel LUP policy 2.3.3.9 allows limited access in sensitive habitat areas; similar to No Co policy</p> <p>Carmel LUP policy 2.3.3.1 allows support for resource-dependent development in sensitive habitats.</p> <p>Carmel LUP policy 5.3.3.3.a requires studies to determine appropriate levels of access similar to No Co LUP.</p>	<p>Retain No Co LUP policy 6.4.F.8</p> <p>Retain DMF LUP policy 9</p> <p>Retain DMF LUP policy 25</p> <p>Retain DMF LUP policy 131</p> <p>Retain DMF LUP policy 132</p> <p>Retain DMF LUP policy 133.</p> <p>Retain DMF LUP policy 134.</p> <p>Retain DMF LUP policy 135</p> <p>(Note: recommendations regarding site specific access may be forthcoming as a result of future evaluation of Del Monte Forest access.)</p> <p>Retain Carmel LUP policy 2.3.3.9</p> <p>Retain Carmel LUP policy 5.3.3.3.a</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Carmel LUP policy 5.3.3.3.b same as No Co. Policy 6.4.F.2</p> <p>Carmel LUP policies 5.3.3.3.c & d require compatibility of access with resource protection.</p> <p>Carmel LUP policy 5.3.3.7.a states that all plans to improve existing trails or create new ones should ensure that environmentally sensitive habitats are protected from overuse.</p> <p>Carmel LUP policy 5.3.3.7.b states that trails along stream corridors should be sited and designed to avoid disturbance to riparian vegetation and wildlife and degradation of water quality.</p> <p><u>Big Sur Land Use Plan</u></p> <p>Big Sur LUP policy 3.3.2.1 allows development in habitat areas that is not a significant disruption.</p> <p>Big Sur LUP policy 3.3.2.5 allows limited public access in habitat areas: low intensity recreational, scientific, or educational; confined to designated trails</p> <p>Big Sur LUP policy 3.3.3.A.1 directs access away from dunes onto beaches;</p> <p>Big Sur LUP policy 3.3.3.A.5 requires siting trails to avoid impacts to riparian corridors.</p> <p>Big Sur LUP policy 3.3.3.A.6 allows recreational access to be restricted when necessary to protect habitat.</p> <p>Big Sur LUP policy 6.1.5.E.1 similar to Carmel policies 5.3.3.3.b</p> <p>Big Sur LUP policy 6.1.5.E.2 similar to Carmel policies 5.3.3.3.c.</p>	<p>Carmel LUP policy 5.3.3.3.b may be retained (concept is implicit in other policies).</p> <p>Retain Carmel LUP policies 5.3.3.3.c & d</p> <p>Retain Carmel LUP policy 5.3.3.7.a</p> <p>Retain Carmel LUP policy 5.3.3.7.b</p> <p>See Recommendations for Issue SH-4 Resource-dependent Uses In ESHA.</p> <p>Retain Big Sur LUP policy 3.3.2.5</p> <p>Retain Big Sur LUP policy 3.3.3.A.1</p> <p>Retain Big Sur LUP policy 3.3.3.A.5</p> <p>Retain Big Sur LUP policy 3.3.3.A.6</p> <p>Retain Big Sur LUP policies 6.1.5.E.1.</p> <p>Big Sur LUP policies 6.1.5.E.2 may be retained (concept is implicit in other policies).</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Big Sur LUP policies 6.1.4.3 & 6.1.4.6 call for directing access to appropriate locations so as not to damage resources.</p> <p>Big Sur LUP policies 6.1.5.B.3 & 4 also call for re-routing or alternative access.</p> <p>Big Sur LUP policies 6.1.5.C.9 states that plans for new trail locations and plans to intensify use of existing trails shall be submitted for review by the State Department of Fish and Game in order to assess the potential impact of such use on sensitive habitats.</p> <p>Big Sur LUP policy 6.1.6.1 requires management plans before trails are open; including resource considerations.</p> <p>Big Sur LUP policy 6.1.6.3 contains several measures for new or existing trails to protect sensitive habitats.</p>	<p>Retain Big Sur LUP policies 6.1.4.3 & 6.1.4.6</p> <p>Retain Big Sur LUP policies 6.1.5.B.3 & 4 and apply coastal zone wide.</p> <p>Retain Big Sur LUP policies 6.1.5.C.9 (See Recommendations for Issue SH-15 Public Agency Coordination.)</p> <p>Retain Big Sur LUP policy 6.1.6.1</p> <p>Retain Big Sur LUP policy 6.1.6.3</p>
<p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p><u>North County Implementation Chapter</u></p> <p>No Co IP Section 20.144.040.B.7 similar to LUP.</p> <p>No Co IP Section 20.144.150.A requires access management.</p> <p>No Co IP Section 20.144.150.E contains policies similar to land use plan policies.</p> <p>No Co IP Section 20.144.040.E2.c similar to Big Sur IP</p> <p><u>Del Monte Forest Implementation Chapter</u></p> <p>DMF IP Section 20.147.130.A requires access management plans</p> <p>DMF IP Section 20.147.130.D.13 is same as policy 131.</p> <p>DMF IP Section 20.147.130.D.14 limits new access in certain habitat areas only if controlled and pursuant to biologic report.</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>(Note: if the land use plan policies are edited and/or consolidated, then the IP provisions should be correspondingly revised.)</p> <p>Retain No Co IP Section 20.144.040.B.7</p> <p>Retain No Co IP Section 20.144.150.A</p> <p>Retain No Co IP Section 20.144.150.E provisions that correspond to cited land use plan provisions.</p> <p>Retain No Co IP Section 20.144.040.E2.c</p> <p>Retain DMF IP Section 20.147.130.A</p> <p>Retain DMF IP Section 20.147.130.D.13</p> <p>Retain DMF IP Section 20.147.130.D.14</p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>DMF IP Section 20.147.130.D.15 similar to DMF LUP policy 134</p> <p><u>Carmel Area Implementation Chapter</u> Carmel IP Section 20.146.130.A requires access management plans.</p> <p>Carmel IP Section 20.146.130.E5.d similar to Big Sur IP.</p> <p><u>Big Sur Implementation Chapter</u> Big Sur IP section 20.145.150.A requires access management plans</p> <p>Big Sur IP Section 20.145.150.E.3.c requires biologic surveys and mitigations for access in habitat areas; similar to Big Sur LUP policies 6.1.5.E.1, 6.1.6.3.</p>	<p>Retain DMF IP Section 20.147.130.D.15</p> <p>Retain Carmel IP Section 20.146.130.A</p> <p>Retain Carmel IP Section 20.146.130.E5.d</p> <p>Retain Big Sur IP section 20.145.150.A</p> <p>Retain Big Sur IP Section 20.145.150.E.3.c</p>
<p>ISSUE PA-3: Timeshare Conversion Ensure that there are the appropriate limits on permanent conversion of visitor-serving facilities to timeshares, so as to maintain adequate visitor-serving accommodations in the County.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The LCP does not directly address the issue of conversion to timeshares. Although the County passed an interim ordinance to prohibit time share conversions after the Highlands Inn permit, no permanent ordinance was ever passed. Given the limited supply of overnight accommodations available and allowed in Monterey County's coastal zone, additional conversions would further adversely impact visitors.</p> <p>To date the General Plan Update does not address this issue.</p> <p><u>GENERAL PLAN UPDATE</u> <u>GPU:</u> no policies dealing with this issue.</p> <p><u>COASTAL LAND USE PLANS</u> <u>All LUPs:</u> does not appear to be any policies dealing specifically with this issue.</p>	<p>Summary: Prohibit conversion of visitor-serving overnight accommodations to timeshare ownerships.</p> <p><u>GENERAL PLAN UPDATE</u> Add a policy to prohibit timeshare conversions.</p> <p><u>COASTAL LAND USE PLANS</u></p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Big Sur LUP Policy 5.4.3(E)(11) precludes conversion of existing low-cost overnight accommodations to other uses, unless replaced with comparable facilities.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Section 20.64.110 governs timeshares.</p>	<p>Retain Big Sur LUP Policy 5.4.3(E)(11) to apply to conversions other than timeshares.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Add a provision to Section 20.64.110 that prohibits additional time share conversions.</p>
<p>ISSUE PA-4: Temporary Events Ensure that the County has appropriate temporary events policies to address Coastal Act access concerns.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary_Comment: Special events provisions in the LCP apply only to large gatherings and even these do not adequately address protecting coastal access and coastal resources. For Del Monte Forest the LCP required a road agreement. This has been implemented by Pebble Beach Company's 17-Mile Drive Public Use Agreement and Special Events Traffic Plan (approved October 27, 1987). These documents allow 17-Mile Drive to be closed to tourist traffic during certain major special events, to be managed for spectator arrival routing, and to direct parking to nine specific areas in the Forest. Road closure is not to be for more than 20 calendar days including not more than 10 weekend days annually. What is not clear in these documents is whether and how visitors to Pebble Beach who are not going to the special event in question are accommodated. This is now of more concern because during special events Pebble Beach Company has instituted remote parking outside of the Forest, shuttles into the Forest for the event, and closures of the entire Forest to visitor traffic.</p> <p>To date the General Plan Update has welcome policies that address traffic congestion aspects of temporary events, but not other potential impacts on visitors and beach users.</p> <p><u>GENERAL PLAN UPDATE</u> <u>General Plan Update</u> GPU C-3.19 states that the County shall ensure that major tourist events</p>	<p>Summary: Adopt policies and actions to coordinate special events so that they do not adversely impact coastal resources or the public's ability to access and use public beaches and parks during such events.</p> <p><u>GENERAL PLAN UPDATE</u> If proposed GPU policies and actions to coordinate special events are to be adopted, revise to add criteria to ensure that the events do not</p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

held within the County are scheduled in a manner that minimizes traffic congestion.

GPU Action C-3.u indicates that the Co should establish a Master Event Coordinator position within the County that reviews County Event Outlines, and works directly with coordinators of special events, meetings/conferences, festivals, trade shows, and fairs/expositions to plan these events so they do not conflict and create preventable traffic congestion.

adversely impact coastal resources or the public's ability to access and use public beaches and parks.

Adopt the following definition and explanatory text:

Temporary events are defined as an activity or use that constitutes development...and are activities or functions of limited duration that involve the placement of non-permanent structure(s) and/or involve exclusive use of a sandy beach, parkland, filled tidelands, water, streets, or parking areas which are otherwise open and available to the public for general use.

Concerns regarding temporary events relate to the nature and frequency of such events, their impact on coastal resources and nearby neighborhoods, as well as the public's ability to access and utilize public beaches and parks during such events. In addition to admission fees, other identified issues are the commercialization of such events, the cumulative impacts of multiple events on one weekend or consecutive weekends and the provision of public notices and opportunities for public participation at the local level.³

Adopt the following policies coastal zone wide:

- a. Temporary events shall minimize impacts to public access, recreation, and coastal resources. A coastal development permit shall be required for temporary events that meet all of the following criteria: 1) Held between Memorial Day and Labor Day; 2) occupy any portion of a public, sandy beach area; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A coastal development permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in significant adverse effects to public access and/or coastal resources.
- b. Temporary events shall be scheduled in a staggered manner throughout the summer months so as to not unduly limit unimpeded beach public access. Land-based temporary events shall be located 10 feet inland of the highest high tide, shall not block through lateral and vertical access for any substantial length of time, shall demarcate the temporary event

³ Sources: Guidelines the Exclusion of Temporary Events from Coastal Commission Permit Requirements Adopted 5/12/93; Temporary Events Workshop Memorandum 5/31/00

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>COASTAL LAND USE PLANS</u></p> <p><u>North County Land Use Plan</u> No policies deal with temporary events or special events.</p> <p><u>Del Monte Forest Land Use Plan</u></p> <p>DMF LUP Policy 93.8 states that with regard to the Spanish Bay golf course... Accommodations for spectators shall be designed, located, and managed to avoid trampling of restored habitat areas, otherwise events which would attract spectators shall be precluded.</p> <p>DMF LUP Policy 96 states that Seventeen Mile Drive shall remain open to the public for recreational use...the Co shall require an agreement between the Co and the owner of the road system assuring public use of the road system in a manner consistent with the policies of this LUP, as a condition of approval of development of the Spanish Bay project or internal road improvements, whichever comes first.</p> <p><u>Carmel LUP</u> No policies deal with temporary events or special events.</p> <p><u>Big Sur LUP</u> No policies deal with temporary events or special events.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>IP section 20.64.150 addresses Special Events at County Parks, where attendance is expected to be more than 5,000 persons per day, defines them to include, but not be limited to, circuses, carnivals, fairs, festivals, exhibitions, concerts, shows, sporting and racing events, held in County Regional Park system and indicates they will all require a public hearing and special events permit issued by BOS.</p>	<p>area from the public area (e.g., by providing low fencing), and shall include signage informing the public of the temporary event, any fees associated with the event and available public access around the event. The operator of the temporary event shall restore the area to pre-event conditions within 48 hours of conclusion of the temporary event.</p> <p><u>COASTAL LAND USE PLANS</u></p> <p>Update DMF LUP Policy 96 to require review and updating of the agreement periodically or in conjunction with additional road improvements or major development.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Retain in IP but also add criteria corresponding to above recommendation.</p> <p>Add to IP Section 20.06.310 that defined temporary events are “development” requiring coastal permits.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE PA-5: Malpaso Creek Beach

Ensure that there are policies for this area of deferred certification consistent with Coastal Act access policies.

County Policies and Comments

Summary Comment: There are no certified policies for the area around Malpaso Creek Beach in the Carmel Area segment. This area was not certified because the County did not accept modifications to address public access issues identified at the time. Since then some offers to dedicate access easements have been obtained as development has occurred. For the beginning of the main vertical accessway along the Old Coast Road Trail, there is a right to pass deed restriction over one half and an offer to dedicate over the other half. There are also two other OTDs on adjacent parcels that may become superfluous in part when the easements for this accessway are perfected. Development has been setback from the bluff to protect views, access, native vegetation, and natural landforms. AP# 243-161-010, owned by Carmel Riviera Property Owners Association, comprises part of Malpaso Creek and Beach and is undevelopable, except for some pathway improvements and utility line maintenance. Other policies in the Carmel Area Land Use Plan address visual and other resource protection, and would appropriately apply if this area becomes certified. However, there is lack of a bluff top setback policy that may apply. The Big Sur segment has policies for access to Malpaso Beach consistent with the Coastal Act, but lacks the proper land use designation for the creek and beach areas.

To date the General Plan Update does not specifically address this issue.

GENERAL PLAN UPDATE

GPU policy ER-5.9 requires all development to be set back a minimum of 25 feet from bluff edge.

COASTAL LAND USE PLANS

Carmel Land Use Plan

Recommendations

Summary: Adopt policies for Malpaso Creek beach to ensure resource protection and public access in conformance with Coastal Act policies and Coastal Commission permit actions.

Note: since this area is uncertified, the County will need to submit an amendment request to the Coastal Commission that its LCP be certified to cover Malpaso Beach area parcels. This would mean that any LCP provision that would be applicable to Malpaso Beach would then govern.

GENERAL PLAN UPDATE

See Recommendation for Issue CH-2 Bluff-top Setbacks to adopt GPU policy ER-5.9 with revisions, that would then apply to vacant AP# 243-161-017.

COASTAL LAND USE PLANS

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Five parcels near or fronting the shoreline just north of Malpasos Creek are in an uncertified area. Thus, the following is uncertified language: Carmel Area Section 5.2.6 last paragraph discussing Malpasos and Yankee Beaches states that in general, visual rather than physical access should be emphasized, and improvements should be limited to those affording blufftop and visual access...</p> <p>Carmel Area Land Use Plan Section 5.3.4 for Malpasos Creek Beach: Provisions/Acquisition [blank]</p> <p>Management:</p> <ul style="list-style-type: none"> -Manage for relatively low use intensities. -Maintain partial site use as a viewpoint-scenic area (by requiring substantial setbacks for development of remaining vacant lots). <p>Improvements: [blank]</p>	<p>Add to Carmel Area Section 5.2.6 last paragraph the following: improvements should be limited to those affording blufftop and visual access <u>and additional safety and resource protection on the paths to the beaches...</u>⁴</p> <p>Revise Carmel Area Land Use Plan Section 5.3.4 for Malpasos Creek Beach:</p> <p>Add the following to "Provision" category:</p> <ul style="list-style-type: none"> -provide for public use of Malpasos Creek Beach -perfect public pedestrian (vertical) access to beach from Yankee Point Drive (when easements or public rights are perfected over the existing path, the trail easement portion of the offer on AP# 243-161-021 may be terminated pursuant to Policy 5.3.2.2)⁵ <p>Add the following to "Management" category:</p> <ul style="list-style-type: none"> - maintain public parking at the trailhead <p>Add the following to "Improvements" category</p> <ul style="list-style-type: none"> - retain and permit maintenance/improvements to existing path from road to beach; - permit fences on properties above beach provided that they do not
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

⁴ Derived from April 14, 1983 Coastal Commission suggested modifications to Carmel Area Land Use Plan.

⁵ Currently, three of the five parcels in the uncertified Malpasos Beach area (AP#s 243-161-018, 243-161-015, and 243-161-021) have been developed with single family dwellings, AP# 243-161-017 has been developed with landscaping and fence, and Carmel Riviera Property Owners Assn AP# 243-161-010 has a trail that accesses a water supply facility. Development on these parcels has been restricted to remain landward of the "line of sight" boundary between the south side of the Highway One Bridge and existing house on APN 243-161-021, with scenic easements required. However, the easement requirement for AP# 243-161-017 does not incorporate what will be a necessary blufftop setback requirement.

The Old Coast Road trail provides public access from Yankee Point Drive to Malpasos Creek and Beach. Through permits, a 5-foot wide easement offer on APN 243-161-015 and a 5-foot wide "right to pass" on the adjacent APN 243-161-017 were obtained. The offer still needs to be picked up by a public agency or non-profit organization. There is also an offer to dedicate a trail easement and additional 25x25 foot area on APN 243-161-021 that could be terminated if equivalent dedications are secured and opened to the public. Public access on the remainder of the trail to the beach and on the portion of the beach on AP# 243-161-010 may also need to be perfected.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Constraints/Restrict[ion]s:</p> <p>Sensitive habitat: riparian habitat along mouth of Malpas Creek and small pocket beach. Discourage informal trails and heavy usage.</p> <p>Also, the Land Use Map designation is uncertified. The five parcels are shown as Low Density Residential. Most of the beach is shown as Resource Conservation: Wetland and Coastal Strand which allows low intensity recreation.</p> <p>Also Figure 3 as it applies to Malpas Creek is uncertified. It is shown "Inappropriate for Beach Access."</p> <p>The following policies are certified, but do not currently apply to this uncertified area:</p> <p>Carmel LUP Policy 2.2.3.9 states that landowners will be encouraged to donate scenic easements to an appropriate agency or nonprofit organization over portions of their land in the viewshed, or, where easements already exist, to continue this protection. Viewshed land protected by scenic easements required pursuant to Coastal Permits shall be permanently free of structural development unless specifically permitted at the time of granting the easement.</p> <p>Carmel LUP Policy 2.2.4.10.c states that structures located in the viewshed shall be designed so that they blend into the site and surroundings. The exterior of buildings must give the general appearance of natural materials (e.g., buildings should be of weathered wood or painted in "earth" tones). The height and bulk of buildings shall be modified as necessary to protect the viewshed.</p> <p><u>Big Sur Land Use Plan</u></p> <p>Big Sur Table 2 site specific recommendations for shoreline access for</p>	<p>interfere with the path to the beach or extend into the scenic blufftop setback area⁶</p> <p>Retain Constraints entries.</p> <p>Retain the Low Density Residential designation for bluff top parcels. Designate AP# 243-161-010 as Resource Conservation: Wetland and Coastal Strand.</p> <p>Prepare a detail map inset for Figure 3 Malpas Creek showing trail and beach and deleting "Inappropriate for Beach Access" label.</p> <p>(Note: if the LCP is certified to cover the Malpas Creek area, then Carmel LUP Policy 2.2.3.9 will apply to the area. Additional recommendations may be forthcoming as a result of future evaluation of easement requirements.)</p> <p>Adopt a specific policy for Malpas Creek area to honor existing easement offers and requirements; to require development setbacks to follow line of sight and not intrude on any existing easements; and to retain the bluff setback area in native vegetation except for the trail.</p> <p>Retain Carmel LUP Policy 2.2.4.10.c (Note: if LCP is certified, then this policy will apply to development of AP# 243-161-017).</p> <p>Retain Big Sur Table 2 site-specific recommendations for shoreline</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

⁶ Derived from April 14, 1983 Coastal Commission suggested modifications to Carmel Area Land Use Plan.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Malpaso Beach: Secure offer of dedicated access; improve trail, parking.</p> <p>Big Sur Land Use Plan designation of beach is Rural Density Residential.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>The Zoning designation is also uncertified. The five parcels are shown as Low Density Residential. A portion of the beach is shown as Resource Conservation.</p>	<p>access for Malpaso Beach and add: Manage for relatively low use intensities.</p> <p>Redesignate Malpaso Beach as Resource Conservation: Wetland and Coastal Strand.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Submit to the Coastal Commission for certification the Low Density Residential designation for bluff top parcels.</p> <p>Zone AP#s 243-161-010 & 243-331-005 as Resource Conservation.</p>
<p>ISSUE PA-6: Yankee Point Beach</p> <p>Ensure that there are policies for this area of deferred certification consistent with Coastal Act access policies.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: There are no certified policies for the area around Yankee Point Beach. This area was not certified because the County did not accept modifications to address allowing some level of public access beyond area residents, businesses and their guests. Currently the beach is accessible to these people over two trails with locked gates. Most of the beach appears to be on public trust land. Other policies in the Carmel Area Land Use Plan address visual and other resource protection, and would appropriately apply if this area becomes certified.</p> <p>To date the General Plan Update does not specifically address this issue.</p> <p><u>COASTAL LAND USE PLANS</u></p> <p>Carmel Land Use Plan Area: six parcels near or fronting the shoreline south of Yankee Point are in an uncertified area.⁷ Thus, the following is uncertified language:</p> <p>Carmel Area Section 5.2.6 last paragraph discussing Malpaso and</p>	<p><i>Recommendations</i></p> <p>Summary: Adopt policies for Yankee Point Beach to ensure resource protection and commensurate public access in conformance with Coastal Act Policies. Note: since this area is uncertified, the County will need to submit an amendment request to the Coastal Commission that its LCP be certified to cover Yankee Beach area parcels. This would mean that any LCP provision that would be applicable to Yankee Beach would then govern.</p> <p><u>COASTAL LAND USE PLANS</u></p> <p>Add to Carmel Area Section 5.2.6 last paragraph: improvements should</p>

7 AP#s 243-141-005, 243-141-016, 243-141-017, 241-301-014, 241-301-015, and 241-301-018

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Yankee Beaches states that in general, visual rather than physical access should be emphasized, and improvements should be limited to those affording blufftop and visual access...</p> <p>Carmel Area Land Use Plan Section 5.3.4 for Carmel Highlands –Riviera (remaining shoreline) [includes Yankee Beach] Provisions/Acquisition [blank]</p> <p>Management:</p> <ul style="list-style-type: none"> -Manage for visual access. -Manage for relatively low use intensities. -Maintain existing visual and lateral access (pedestrian and bicycle) along Highway #1 and Spindrifft and Yankee Point roads. -Maintain and permit improvements to bluff top overlooks at Highlands Inn, north of Wildcat Creek and Spindrifft Road. -Maintain existing provisions for public access to Yankee Beach (access available to local residents and their guests and to visitors to Behavioral Sciences Institute, Highlands Inn, and Tickle Pine [<i>sic</i> Pink] Inn). <p>Improvements:</p> <ul style="list-style-type: none"> -Develop scenic turnouts and overlooks on roads east of Highway One at such time when large landholdings are privately developed or public acquired. <p>Constraints/Restrict[ion]s:</p> <ul style="list-style-type: none"> -Residential area with a history of low public use. Trespass on private property should be discouraged and low use levels maintained. -Sensitive habitat: relatively undisturbed rocky intertidal area. -Steep cliffs and rocky shoreline pose hazards to shoreline users. -High fire hazard in area east of Highway One. 	<p>be limited to those affording blufftop and visual access <u>and additional safety and resource protection on the paths to the beaches.</u>⁸</p> <p>Revise Carmel Area Land Use Plan Section 5.3.4 for Carmel Highlands – Riviera (remaining shoreline) [includes Yankee Beach]: Add the following to “Provision” category:</p> <ul style="list-style-type: none"> -Provide for public use of Yankee Beach -Provide public pedestrian (vertical) access to Yankee Beach from Yankee Beach Way or Spindrifft Road. <p>Retain Management entries and add the following:</p> <ul style="list-style-type: none"> -If public access is secured over a trail to the beach, derive a procedure for managing general public use through the required access management plan (e.g., procedure for obtaining key to gate). <p>Add the following to the Improvements category:</p> <ul style="list-style-type: none"> -Retain and permit improvements to existing path and stairs to Yankee Beach or permit new path to beach.⁹ <p>Retain Constraints section.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

8 Derived from April 14, 1983 Coastal Commission suggested modifications to Carmel Area Land Use Plan.

9 Derived from April 14, 1983 Coastal Commission suggested modifications to Carmel Area Land Use Plan.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Also, the Land Use Map designation for this area is uncertified. Five of the six parcels are shown as Low Density Residential. The sixth is shown as Resource Conservation: Wetland and Coastal Strand, which allows low intensity recreation.	Retain the Low Density Residential designation for residential parcels. Redesignate beach portion of AP#243-141-017 as Resource Conservation, based on a review of aerial photos. Retain rest of beach as Resource Conservation.
Also Carmel LUP Figure 3 as it applies to Yankee Beach is uncertified. It is shown "Inappropriate for Beach Access."	Delete "Inappropriate for Beach Access" notation for Yankee Beach in Carmel LUP Figure 3
<u>COASTAL IMPLEMENTATION PLAN</u> The Zoning designation for the Yankee Beach area is also uncertified. Five parcels are shown as Low Density Residential. The sixth residential parcel and the beach/shoreline are shown as Resource Conservation.	<u>COASTAL IMPLEMENTATION PLAN</u> Retain the Low Density Residential designation for residential parcels at Yankee Beach.
ISSUE PA-7: Stillwater Cove Ensure continued access at Stillwater Cove for recreational boating and diving.	
<i>County Policies and Comments</i>	<i>Recommendations</i>
Summary Comment: The LCP provisions for public access at Stillwater Cove and the road access agreement have been completed except for the final acceptance of the offer to dedicate.¹⁰ Also, the	Summary: Retain Stillwater Cove access provisions and help ensure that they are honored over time through accurate information dissemination.

¹⁰ The Pebble Beach Company has constructed the required access point at Stillwater Cove, as required by special conditions of the Spanish Bay coastal development permit (Special Condition 15 and 17; Special Condition 14 also required that OTDs be granted to DMFF for off-site access locations; Special Condition 20 required updated gate handouts (brochures) to include descriptions of all access points). The Stillwater Cove access point includes a designated equipment drop-off/pick-up area in the Beach Club parking lot and a stairway down to the beach. The pier was actually modified/repared and is open to the public for viewing, reserved parking spaces are available near the 17th tee box and an informational brochure has been printed for distribution to visitors upon entry to the forest. Additionally, the informational brochure to be handed out at the toll booth includes a map showing the 17-Mile Drive loop and the various numbered public access points required by the LUP, except for Stillwater Cove, which is labeled but not numbered as the other access points are. The brochure also includes brief descriptions of each access point, with a description of Stillwater Cove on the back in ultra fine print (maybe 4 or 6 point). The info on the back also includes conditions of entry to 17-Mile Drive and conditions for visitor use at Stillwater Cove Beach. The handout indicates that the beach at Stillwater Cove (and visitor restrooms) may be used at any time during daylight hours with access to the beach via the Beach and Tennis Club parking lot. Free visitor parking in one of six public parking spots located a short walk from the beach (near the 17th tee box), can be arranged by reservation on first-come first serve basis up to two weeks in advance by calling the Beach and Tennis Club (625-8507). Equipment drop-off and pickup for scuba divers or other visitors is allowed in the designated area in the Beach and Tennis Club parking lot for loading and unloading of vehicles, however some time restrictions apply (i.e., parking lot is closed to visitors between 11 am and 2 pm daily for busy lunchtime service at the Club, during special events, and one day a month for maintenance). According to staff at the Beach and Tennis Club, all moorings at Stillwater Cove are privately owned by Yacht Club members, and there are no public moorings, or public docking allowed at the pier. Boaters may drop anchor in Stillwater Cove, but would have to use a dinghy or skiff to reach the beach to come ashore since there is no ladder to access the pier from the ocean.

The Coastal Commission's approval of PBC's Casa Palmero project in 1997 required additional access improvements in and around the Lodge area and Stillwater Cove. These included; a public pedestrian path system throughout the Lodge area and to overlooks at the shoreline in two locations (at the Sloat building and at

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

required information handout is difficult to read and workers at the entrance stations sometimes do not honor the provision for free bicycle access.

To date the General Plan update does not specifically address this issue, other than by reference to what is in the current LCP.

GENERAL PLAN UPDATE

GPU policy DMF ER-1 says that the Site Specific Shoreline Public Access Design Criteria are adopted by reference.

COASTAL LAND USE PLANS

DMF Land Use Plan

DMF LUP Policy 129 states that in accordance with the agreement between Pebble Beach Company and Del Monte Forest Foundation, the costs of all improvements, maintenance and operation of the following access areas to be ultimately deeded to the Del Monte Forest Foundation by Pebble Beach Company, shall be borne by Pebble Beach Company:

9. Stillwater Cove

DMF LUP Policy 145.12 for Stillwater Cove requires public access to Stillwater Cove via the existing pier (to be retained and upgraded) and beach south of the pier and access improvements consistent with the management plan prepared for that area. Also requires agreement

GENERAL PLAN UPDATE

Adopt an action for the County to request that Pebble Beach Company number Stillwater Cove access in the same way other public access points on its handout map are numbered, and increase font on back of brochure to same size as other descriptions so it can be more easily noticed and read.

Adopt an action for the County to support required parking and associated signing for Stillwater Cove access over time.

Adopt an action for the County to request that Pebble Beach Company post/maintain signs indicating no fee for bicyclists at the entry gates.

COASTAL LAND USE PLANS

Retain DMF LUP Policy 129 as it applies to Stillwater Cove.

Retain DMF LUP Policy 145.12

Stillwater Cove); general public parking designated for visitors in the Casa Palmero parking structure, along Peter Hay hill, at the tennis court parking lot area, and at the hedge fronting the 17th tee at Stillwater Cove; and a public access sign program to clearly identify the required pedestrian paths and parking as available for the general visiting public (and not just lodge guests or PBC employees). These improvements, particularly the sign program, have not yet been fully realized and the Commission and PBC continue to work towards resolving the outstanding issues.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

between County and owner of the road system (Pebble Beach Company) for right to vehicular and pedestrian/bicyclist access through DMF subject to reasonable toll, regulations and hours/days of operation. Improvements for this access point also required that dedications and improvements be tied to condition of the Spanish Bay project; require posting of a bond to ensure construction of access improvements; and require upgrading of the pier for use by the public as shown in Appendix B.

DMF LUP Appendix B has Site Specific Shoreline Public Access Design Criteria for Stillwater Cove indicating that beach access is for beach use, which includes sunbathing, beachcombing, picnicking, scuba diving access for habitat observation or scientific research...notes that the cove itself and the tidelands are in the public domain, but the rest of the Stillwater Cove area is in private ownership...the pier at the west end of Stillwater beach is privately owned and is located on leased State Lands... it also notes that the pier is in poor condition due to storm damaged and was planned to be demolished

Stillwater Cove Beach Access Management Plan provisions include: six automobile parking spaces (including one handicapped space) available through reservation; equipment drop-off/pick-up area in Beach Club parking lot for loading and unloading for those who have reserved parking space or any handicapped visitors; additional unreserved parking spaces in the Lodge complex or other nearby parking areas on first come first serve basis; marked pedestrian access route from reserved and unreserved parking spaces to the beach through Beach Club parking lot; beach access stairway/ramp; construction of unisex restroom for beach users; limitations on beach use (not more than 50 visitors at a time; not more than 10 divers at a time; day-use only); time restrictions for maintenance (1 day per month), drop-off/pick-up availability (closed daily 11 to 2pm during busy lunchtime service, closed during special events); requires forest visitor gate handouts with Stillwater Cove Beach listed with all other access points and information regarding access, use restrictions, access restrictions and visitor parking reservation system to be included in informational material; informational signing to direct pedestrian access to public access point at specific locations.

Retain DMF LUP Appendix B provisions for Stillwater Cove with revision to allow alternative of pedestrian trail to go around the Beach Club parking lot..

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE PA-8: Sycamore Canyon

Ensure that the natural resources and the carrying capacity of Pfeiffer Beach and Sycamore Canyon Road are respected so as to be consistent with Coastal Act ESHA and public access policies.

County Policies and Comments

Summary Comment: The current Big Sur land use plan had an adequate policy for guiding access to Pfeiffer Beach while also preserving resources. Although improvements to the parking lot have been completed pursuant to a federal consistency authorization [CD-047-97], implementation of the planned traffic controls has yet to occur.

To date the General Plan Update retains one of the LCP policies and has a welcome call for a traffic congestion study.

GENERAL PLAN UPDATE

GPU Big Sur policy C-6 same as BS LUP Policy 4.1.3.A.5

GPU Big Sur policy LU-20 states that in the Sycamore Canyon and Pfeiffer Ridge areas, for example, studies should be directed to resolving fire protection, water supply, and traffic congestion issues.

COASTAL LAND USE PLANS

Big Sur Land Use Plan

BS LUP Policy 4.1.3.A.5 states that Sycamore Canyon Road ... should be maintained at a level that resident and visitor traffic can safely be accommodated. Improvements to the width or alignment of these roads shall only be approved when negative visual and environmental impacts will not result and where the improvements will not adversely impact adjacent residents. Pedestrian access shall be provided where feasible. Priority uses shall not be precluded on these roads by non-priority developments.

BS LUP Policy 4.2.3 states that consideration should be given to regulating vehicular access to Pfeiffer Beach on Sycamore Canyon Road during peak use periods. A temporary gate at Highway 1 operated by the Parks and Recreation Department is a possible approach. A shuttle service

Recommendations

Retain Sycamore Canyon Road policies but update wording to account for completed Forest Service project.

GENERAL PLAN UPDATE

Retain this part of GPU Big Sur policy LU-20

COASTAL LAND USE PLANS

Retain BS LUP Policy 4.1.3.A.5

Revise BS LUP Policy 4.2.3 as follows: ~~Consideration should be given to~~ Regulating vehicular access to Pfeiffer Beach on Sycamore Canyon Road during peak use periods. A temporary gate at Highway 1 operated by the Parks and Recreation Department or US Forest Service is a

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>between Pfeiffer-Big Sur State Park and Pfeiffer Beach should also be considered.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Big Sur IP Section 20.145.130.C states that improvements to the width or alignment of Sycamore Canyon Road...shall be prohibited where resulting in negative visual or environmental impacts or in adverse impacts to adjacent residents. Specific studies shall be required, either prior to the application being considered complete or as a condition of project approval, as needed to assess and mitigate potential environmental impacts. Conditions of project approval shall include any measures necessary to mitigate adverse impacts and provision of pedestrian access where road width permits.</p>	<p>possible approach. A shuttle service between Pfeiffer-Big Sur State Park and Pfeiffer Beach should also be considered.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Retain Big Sur IP Section 20.145.130.C</p>
<p>ISSUE PA-9: Carmel River State Beach (aka Monastery Beach) Parking Ensure that current parallel parking along Highway One for Monastery Beach is allowed at least until alternative parking consistent with Coastal Act policies is approved in order to maintain public beach access.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: When the application for a parking lot on the former Briggs property at Monastery Beach was withdrawn due to adverse environmental impacts, the County began processing an LCP amendment to allow parking along Highway One instead. Since parking remains there and is the only short-term alternative, the current LCP policy discouraging such parking is still in need of revision. However, with State Parks acquisition of Point Lobos Ranch, the alternative inland site (i.e., at the Polo Fields) that is allowed under the LCP and would not have adverse visual impacts can now be advanced.</p> <p>To date the General Plan Update has outdated policy language by referring to the current State Park General Plan, because that plan still contains the withdrawn proposal for a beach side parking lot.</p> <p><u>GENERAL PLAN UPDATE</u> GPU policy Carmel Area C-5 indicates that public access to and within Point Lobos State Reserve and Carmel River State Beach [which includes</p>	<p>Summary: Revise policies to allow Highway One parking in the short-term and to provide more direction for improving the parking situation at Monastery Beach in the long-term.</p> <p><u>GENERAL PLAN UPDATE</u> Revise GPU policy Carmel Area C-5 to indicate that this means developing parking at the Polo Field and not on the former Briggs</p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Monastery Beach] should be improved and managed per State Park plans and consistent with this General Plan.

GPU policy Carmel Area C-6 states that the most important major access areas to be retained for long-term public use are the Scenic Road corridor along Carmel Point, Carmel River State Beach and Point Lobos State Reserve.

COASTAL LAND USE PLANS

Carmel Area Land Use Plan

Carmel Area LUP 3.1.3.6 states that parking along the highway shoulders in the vicinity of major recreational areas shall be discouraged due to pedestrian and traffic hazards and conflicts. Especially hazardous in the Carmel area is the uncontrolled, haphazard parking on the west side of Highway 1 at San Jose Creek Beach. The State Department of Parks and Recreation shall provide improved parking at San Jose Creek Beach according to the standards and criteria set forth in the Public Access Element of this plan. These standards shall supersede those in the Point Lobos State Reserve General Plan (October 1979) regarding beach parking on page 88. This parking shall be of highest priority, and the County is prepared to offer technical planning assistance to expedite this project. Immediately upon completion of adequate new off-street parking, as provided for in this plan, parking along the highway shoulder shall be prohibited. The parking prohibition shall be rigorously enforced, and appropriate structural barriers are permitted if necessary to deter illegal parking. If State Parks and CALTRANS cannot make the necessary improvements, the County will seek appropriate legislative mandate to resolve the issue. Parking may be considered as an allowable use on the Polo Field area inland of Highway 1.

Carmel Area LUP Policy 5.3.3.8.a indicates that a site is considered

property.

Add an action for the County to recommend that State Parks revise the Point Lobos Carmel River General Plan deleting the off-street parking lot shown at Monastery Beach.

Add an action for the County to recommend that State Parks pursue installing a parking lot on the Polo Field, possibly in conjunction with raising the roadway surface of Hwy 1 to allow for safe pedestrian undercrossing. Incorporate convenient means of diving equipment offloading and pickup (e.g., having permanent rolling cargo carts available to move gear to the beach).

COASTAL LAND USE PLANS

Revise Carmel LUP policy 3.1.3.6 to add that the highway parking can remain until an alternative is constructed. Also allow for permanent diving/beach equipment drop-off areas.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>potentially suitable for parking if, among other things, (1) provision of parking would not encroach upon the shoreline destination, (2) improvement would entail minimum land disturbance, (3) parking improvements would not degrade public viewshed or obstruct public views to the shoreline... (6) adequate and safe pedestrian access should be possible, (7) safe ingress and egress from Hwy 1 should be possible...</p> <p>Carmel Area Section 5.3.4 states that parking may be allowed on the former Briggs property to provide access north to Carmel River Beach and south to San Jose Creek Ranch; however, approval will be contingent upon the provision of additional facilities at the south end of San Jose Creek Beach, to consist of a drop-off and limited parking.</p>	<p>Revise Carmel Area Section 5.3.4 consistent with above recommendations to provide parking at Polo Field instead of on the former Briggs property.</p>
<p>VII. COASTAL HAZARDS</p> <p>The Coastal Act requires that new development be sited and designed to minimize risk to life and property specifically in areas of high geologic, flood and fire hazard. Under the Coastal Act, development is required to be sited and designed to assure stability and structural integrity and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs (Section 30253). Section 30235 of the Act allows the construction of shoreline protective devices where existing development is threatened from erosion and when designed to eliminate or mitigate impacts on shoreline sand supply. Further, the Coastal Act provides that development damaged or destroyed by natural disasters can be rebuilt in the same area, exempt from coastal permits, provided they are not expanded by more than 10% and conform to existing zoning requirements. Certain emergency actions are also exempt from permit review.</p>	
<p>ISSUE CH-1: Technical Reports</p> <p>Ensure that required technical reports contain sufficient information to allow full analysis of shoreline development so as to be consistent with Coastal Act policies.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has generally adequate provisions requiring geologic reports and what their content should be. However, there are outdated references that could result in inadequate reports and consequently projects not in full compliance with Coastal Act policies. There are specific requirements for</p>	<p>Summary: Revise geologic report requirements to include specific elements related to shoreline development and to update references.</p>

11 CDMG Notes 49 and 52 have been superceded by "GEOLOGIC GUIDELINES FOR EARTHQUAKE AND/OR FAULT HAZARD REPORTS" and "GUIDELINES FOR ENGINEERING GEOLOGIC REPORTS", prepared by the state Board for Geologists and Geophysicists and available at http://www.dca.ca.gov/geology/publications/report_guidelines/index.html

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

analyzing shoreline structures, but there is a lack of specific requirements for evaluating other shoreline development (such as a proposed house), and what mitigations are necessary to ensure consistency with LCP and Coastal Act policies.

To date the General Plan Update retains welcome provisions for requiring geotechnical reports, but also contains outdated references.¹¹

GENERAL PLAN UPDATE

GPU: Policies HS-4.9 and HS-4.10 require geologic hazard reports to conform to the standards of California Division of Mines & Geology Notes 49 and 52 (now California Geological Survey) *Guidelines for Evaluating the Hazard of Surface Fault Rupture, and Guidelines for Preparing Geologic Reports for Regional-Scale Environmental and Resource Management Planning*.

GPU Policy ER-5.8 requires all applications for a permit for new bluff top development to include a geologic report of the entire site with special attention to the area of demonstration, i.e., that area which lies 50 feet landward from the edge of the bluff or areas which lie between the top of the bluff and the point at which a line from the toe of the bluff inclined 20 degrees above horizontal intersects the surface, whichever is greater. The geologic report shall be prepared by a Certified Engineering Geologist and include a predicted erosion rate.

COASTAL LAND USE PLANS

No. County LUP

No Co Policy 2.8.2.1 requires geotechnical reports in high hazard areas.

DMF LUP

DMF Policy 40 requires geotechnical reports in high hazard areas.

DMF policy 49 requires a site stability evaluation report for bluff and

GENERAL PLAN UPDATE

GPU policies HS-4.9 & HS-4.10 may be adopted with updated language to reflect new guideline documents that now supersede CDMG Notes 49 and 52: “*Geologic Guidelines For Earthquake And/Or Fault Hazard Reports*” and “*Guidelines For Engineering Geologic Reports*”

GPU Policy ER-5.8 may be adopted with revision to indicate a predicted long-term average erosion rate.

COASTAL LAND USE PLANS

Add to No Co policy language of Carmel Policy 2.7.4.Geo.3 with revision to clarify that technical reports are required to address risks from faults, bluff retreat, slope stability, erosion, tsunamis, etc for any development on a beach or beachfront.

Revise DMF policy 49 to clarify that technical reports are required to

¹² Source: City of Malibu LCP

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>cliff top development.</p> <p><u>Carmel LUP</u> Carmel Policy 2.7.3.1 requires geotechnical reports in high hazard areas.</p> <p>Carmel Policy 2.7.4.Geo.3 requires development within 50 feet of the face of a cliff or bluff or within the areas of a 20 degree angle from the toe of a cliff; whichever is greater to require preparation of a geologic report.</p> <p><u>Big Sur LUP</u> Big Sur Policy 3.7.2.3 requires geotechnical reports in high hazard areas.</p> <p>Big Sur Policy 3.7.3.A.5 same as Carmel Policy 2.7.4.Geo.3.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> <u>No Co IP Chapter</u> No Co IP Section 20.144.100.A.1 contains geologic report requirements. In addition to general components, for development of shoreline structures, the following elements shall be included:</p> <ul style="list-style-type: none"> a) design wave height b) maximum expected wave height c) frequency of overtopping d) normal and maximum tidal ranges e) erosion rate with/without protection device f) effect of structure on adjoining property g) potential/effect of scouring at base h) design life of structure/maintenance provisions i) alternatives to the chosen design including "no project" j) maintenance provisions including methods and materials. 	<p>address risks from faults, bluff retreat, slope stability, erosion, tsunamis, etc for any development on a beach or beachfront.</p> <p>Revise Carmel Policy 2.7.4.Geo.3 to clarify that technical reports are required to address risks from faults, bluff retreat, slope stability, erosion, tsunamis, etc. for any development on a beach or beachfront.</p> <p>Revise Big Sur Policy 3.7.3.A.5 to clarify that technical reports are required to address risks from faults, bluff retreat, slope stability, erosion, tsunamis, etc for any development on a beach or beachfront.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Add to Sections 20.144.100.A.1; 20.147.060.A; 20.146.080.B.1; 20.145.080.A.1: Revise to require all applications for new development on a beach, beachfront or bluff-top property, to perform an analysis of beach erosion, wave run-up, inundation, flood hazards, slope stability, and long-term bluff retreat. Require these reports to address and analyze the effects of proposed development in relation to the following:</p> <ul style="list-style-type: none"> 1. The profile of the beach; 2. Surveyed locations of mean high tide lines acceptable to the State Lands Commission; 3. The availability of public access to the beach; 4. The area of the project site subject to design wave run-up, based on design conditions; 5. Foundation design requirements; 6. The need for a shoreline protection structure over the life of the project; 7. Alternatives for protection of the septic system; 8. The long-term effects of proposed development of sand supply;
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>No Co IP Section 20.144.100.A.1.f requires report preparation by registered geologist or registered engineering geologist as deemed appropriate by the County given the project type and probable hazards.</p> <p><u>Del Monte Forest IP Chapter</u> DMF IP Section 20.147.060.A contains geologic report requirements, same as North County</p> <p><u>Carmel IP Chapter</u> Carmel IP Section 20.146.080.B.1 contains geologic report requirements same as North County.</p> <p><u>Big Sur IP Chapter</u> Big Sur IP Section 20.145.080.A.1 contains geologic report requirements same as North County.</p>	<p>9. The FEMA Base Flood Elevation and other mapped areas (A, B, or V zones);</p> <p>10. Future projections in sea level rise;</p> <p>11. Project alternatives designed to avoid or minimize impacts to public access;</p> <p>12. Slope stability and bluff retreat.¹²</p> <p>Add to Sections 20.144.100.A.1.f; 20.147.060.B.6; 20.146.080.B.1.f; 20.145.080.A.1.f for shoreline projects that the report(s) be prepared by professionals with specific expertise in coastal processes. Those aspects of the report(s) describing the geologic conditions shall be prepared by a registered geologist and those aspects of the report(s) describing the development's design, impacts and mitigation measures shall be prepared by a registered engineer with coastal expertise, as deemed appropriate by the County given the project type and probable hazards.</p>
<p>ISSUE CH-2: Bluff-top Setbacks Ensure that there are adequate setback regulations for new development so as not to require protective structures consistent with Coastal Act sections 30253 & 30235.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: Two of the four segments lack specific policies to setback new development from the shoreline. The current LCP also lacks specific direction to address a Factor of Safety for gross or surficial landsliding, which could lead to inappropriate development being approved.</p> <p>To date the General Plan Update has an appropriate set of policies, but is equivocal on an economic life to use to determine the required setback.</p>	<p><i>Recommendations</i></p> <p>Summary: Revise policies to have language consistent with Coastal Act.</p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

GENERAL PLAN UPDATE

GPU Policy ER-5.8 requires a setback that will ensure the development will not require bluff protection during its economic life.

GPU Policy ER-5.9 states: Bluff Top Annual Erosion Rate - Develop a long-term annual average erosion rate for bluffs, multiply this by the economic life of the structure and either multiply that by a safety factor or add a safety factor as a set distance. For example, if the rate of erosion is determined to be 3 inches per year, the economic life of the structure is 100 years, and the safety factor is 1.2, then the minimum setback is 30 feet (3 in. x 100 yrs. = 300 in., 300 in. = 25 feet, 25 feet x 1.2 = 30 feet). If the safety factor were a set distance of 10 feet, and the rate of erosion and economic life of the structure were the same as in the preceding example, then the setback would be 35 feet. The safety factor may vary regionally, based on the quality of the erosion change data and the size or magnitude of extreme erosion events. Based on the above criteria, all development, including second story and cantilevered portions of a structure shall be set back a minimum of 25 feet or the long-term annual average erosion rate multiplied by the economic life of the structure and by a safety factor of 12 from the top edge of the bluff, whichever is greater.

GPU Policy ER-5.10 requires the geologist to provide 75-year and 100-year setback lines for bluff tops and provide the methodology for determining the setback.

GPU Policy ER-5.11 contains a Bluff Edge Definition

GPU Policy ER-5.13 requires land divisions on coastal fronting property resulting in new parcels must demonstrate that the parcels can be developed with structures that will not require shoreline protection during a 75 or 100-year economic life.

GENERAL PLAN UPDATE

Adopt GPU Policy ER-5.8 (with recommended revision from above)

Revise GPU Policy ER-5.9 (note typo in last sentence should be 1.2) to change wording of “safety factor” to “buffer factor” and add the following: An additional setback beyond what this erosion formula may yield is required to meet a 1.5 Factor of Safety for gross or surficial landsliding.

Revise GPU ER-5.10 to specify 100 year economic life of structure, and to clarify that the specified methodology must be pursuant to adopted policies.¹³

Adopt Policy ER-5.11 but delete unnecessary phrase “as a result of erosion processes related to the presence of the steep cliff face.”

Revise GPU ER-5.13 to specify 100 year economic life.

¹³ Sources: San Luis Obispo periodic review; Malibu LCP.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

COASTAL LAND USE PLANS

No. County LUP policy 2.8.2.1 states development should be sited to minimize risk from geologic hazards.

DMF LUP: Policy 49 provides: Permit bluff and cliff top development only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development (at least 50 years) and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area.

Carmel LUP: Policy 2.7.4.Geo.3 states: Any proposed development within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle from the toe of a cliff, which ever is greater, shall require the preparation of a geologic report prior to consideration of the proposed project

BS LUP Policy 3.9.1(1) requires bluff top setbacks to be adequate to avoid the need for seawalls during the development's economic lifespan.

COASTAL IMPLEMENTATION PLAN

COASTAL LAND USE PLANS

DMF Policy 49 would be replaced with GPU Policy ER-5.9 formula.

COASTAL IMPLEMENTATION PLAN

Add to Implementation Plan provisions of GPU policies.

Add to Implementation Plan provisions the following: If the bluff exhibits a factor of safety of less than 1.5 for either gross or surficial landsliding, then the location on the bluff top at which a 1.5 factor of safety exists shall be determined. Development shall be set back a minimum distance equal to the distance from the bluff edge to the 1.5 factor-of-safety-line, plus the distance that the bluff might reasonably be expected to erode over 100 years (determined by the GPU Policy ER-5.9 formula). These determinations, to be made by a state-licensed Certified Engineer Geologist, Registered Civil Engineer, or Geotechnical Engineer, shall be based on a site-specific evaluation of the long-term bluff retreat rate at this site and shall include an allowance for possible acceleration of historic bluff retreat rates due to sea level rise. If the bluff exhibits both a gross and surficial factor of safety against

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>No Co IP Chapter</u> No Co IP Section 20.144.100 requires preparation and following of Geologic Reports but does not have specific bluff setback standards.</p> <p><u>Del Monte Forest IP Chapter</u> DMF Section 20.147.060.F similar to DMF Policy 49.</p> <p><u>Carmel IP Chapter</u> Carmel IP Section 20.146.080 requires preparation and following of Geologic Reports but does not have specific bluff setback standards.</p> <p><u>Big Sur IP Chapter</u> Big Sur Sections 20.145.080.A.2.h & 20.145.100.BC.1 similar to BS Policy 3.9.9.1 with regard to blufftop setback.</p>	<p>landsliding of greater than 1.5, then development shall be set back a minimum distance equal to the distance that the bluff might reasonably be expected to erode over 100 years plus a buffer to ensure that foundation elements are not actually undermined at the end of this period (determined by the GPU Policy ER-5.9 formula). The determination of the distance that the bluff might be expected to erode over 100 years is to be made by a state-licensed Certified Engineer Geologist, Registered Civil Engineer or Geotechnical Engineer, and shall be based on a site-specific evaluation of the long-term bluff retreat rate at the site and shall include an allowance for possible acceleration of historic bluff retreat rates due to sea level rise</p>
<p>ISSUE CH-3: Seawalls Ensure that seawalls and other shoreline protective devices are only allowed consistent with Coastal Act Section 30235.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The LCP generally allows seawalls for the reasons mentioned in the Coastal Act. Not all categories mentioned in the Act eligible for seawalls are allowed in all segments, which is appropriate given the characteristics of the area (e.g., not all segments have coastal-dependent uses or public beaches in danger of erosion). There are three instances of the LCPs being more expansive</p>	<p>Revise policies so that categories of development eligible for shoreline protective structures are not broader than authorized under the Coastal Act, currently or in the future.</p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

in a manner inconsistent with the Coastal Act. In North County the criteria to allow shoreline alteration for public health and safety could mean allowing armoring where there was a danger of rocks falling on beachgoers, where other alternatives would suffice. In Del Monte Forest the text could be interpreted to allow armoring for new (as opposed to existing) recreational developments. And in Carmel the text could be interpreted to allow armoring for new (as opposed to existing) necessary public facilities. (See summary table below)

To further ensure that new development is not eligible for seawalls, especially in the future, the Commission will typically require a deed restriction be recorded prohibiting future seawalls. The current LCPs lack such provisions.

Additionally, the Coastal Commission has sought to apply Coastal Act policy permitting shoreline protective devices to significant or primary structures, not ancillary facilities such as fences, or temporary structures. Both the North County and Del Monte segments contain such a qualification.

To date the General Plan update contains the same general language as the North County LUP.

GENERAL PLAN UPDATE

GPU Policy ER-5.7 states that further alteration of natural shoreline processes shall be limited to protection of public beaches, existing significant structures, coastal dependent development, and the public health and safety.

COASTAL LAND USE PLANS

No. County LUP policy 2.4.2.1 prohibits further alteration of “natural shoreline processes” except for protection of public beaches, existing significant structures, coastal dependent development & the public health & safety.

DMF LUP policy 47 prohibits “alteration of the shoreline” except for existing development or recreational facilities and beaches accessible to

GENERAL PLAN UPDATE

GPU Policy ER-5.7 may be adopted with the deletion of public health and safety. The policy can be re-written to make health and safety criteria for considering or designing seawalls, but not as independent criteria.

COASTAL LAND USE PLANS

Delete public health and safety in No Co policy 2.4.2.1.

The policy can be re-written to make health and safety criteria for considering or designing seawalls, but not as independent criteria.

Add “existing” in front of recreational facilities in DMF policy 47. (Note: additional recommendations may be forthcoming as a result of future

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

[illegible]

14 Source: San Luis Obispo periodic review recommendation.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Carmel IP Section 20.146.080.D.1.j allows shoreline alteration for necessary public facilities.

Big Sur IP Chapter

Big Sur Section 20.145.040.C.2.b similar to BS Policy 3.9.9.1

Summary Table of For What Purposes Shoreline Protective Structures Are Allowed in the LCP:

	No Co.	DMF	Carmel	Big Sur
Coastal-dependent	Yes			
Existing structures	Yes	Yes	Yes	Hw 1 only
Public beaches	Yes	Yes		
Public health & safety	Yes			
Public recreational facilities		Yes		
Necessary public facility			Yes	

Add “existing” in front of “necessary public facilities” in Section 20.146.080.D.1.j. Also qualify existing residential development to apply to principle residences, not accessory or ancillary structures such as garages, decks, steps, eaves, or landscaping.

ISSUE CH-4: Structural Changes in Hazardous Areas

Ensure that additions and improvements to structures in hazardous areas do not perpetuate hazardous situations or require protective devices that are inconsistent with Coastal Act policies.

County Policies and Comments

Summary Comment: Existing structures in hazard setback areas would be considered legally non-conforming, but non-conforming provisions do not explicitly address the issue of additions and rebuilds of structures located within setback areas. Although there are other LCP policies addressing setbacks (see Issue CH-2 Bluff-top Setbacks), they could be interpreted to not apply to structural additions, possibly resulting in the need for shoreline protective devices that otherwise would not be necessary and would be inconsistent with Coastal Act policy direction.

To date the General Plan update does not address this issue.

Recommendations

Summary: Adopt coastal zone wide policy that requires additions and rebuilds to comply with setback requirements.

Add a policy providing that if a structure or portion of a structure is

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>IP Section 20.04.070 definition states that structural alteration means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior bearing partitions, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.</p> <p>IP Section 20.68.010 states that any use of land, structure or land and structure which was legally established but is nonconforming to subsequently adopted land use regulations is a legal nonconforming use.</p> <p>IP Section 20.68.040.A states that the enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations, may be permitted if the enlargement, extension, reconstruction or structural alteration conforms to all the regulations of the district in which they are located.</p> <p>IP Section 20.68.040.B states that ordinary maintenance and repairs, including structural repairs and foundations, may be made to any structure which is nonconforming as to height or setbacks or to a structure used for a legal nonconforming use, provided:</p> <ol style="list-style-type: none"> 1) no structural alterations are made; and 2) provided such work does not exceed 50 percent of the appraised value of the structure in any one year period. 	<p>proposed for reconstruction (demolition and rebuild) or structural alteration, then it must follow bluff/shoreline setback requirements. (Note: this may require the rebuild to locate on another-- i.e., more inland --portion of a parcel. If this were impossible, then IP exception section 20.02.060 would apply to prevent takings.)</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Clarify IP Section 20.68.040.A to explicitly apply to nonconforming bluff/shoreline setbacks as well and that conformance to the bluff/shoreline standards will be required.</p> <p>Revise IP Section 20.68.040.B to state that with regard to bluff/shoreline setbacks this provision is limited to work on 25% or less of the structure (cumulatively), otherwise bluff/shoreline setback requirements have to be met.</p>
<p>ISSUE SH-5: Shoreline Structure Design</p> <p>Ensure that where shoreline structures are allowed, there are adequate design requirements (e.g., materials, evaluation of alternatives, avoid blocking access, etc.) so as to be consistent with Coastal Act public access and scenic protection policies.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Summary: Although the current LCP has policies to protect habitat, visual resources, and public access, only the Carmel Area has specific policies applicable to shoreline structure design, but still not detailed enough to reflect current Commission actions to ensure complete consistency with Coastal Act provisions.

To date the General Plan Update has no policies directly address this issue.

Summary: Adopt design criteria for shoreline structures that specify shoreline structure materials, evaluation of alternatives such as “soft solutions” and other development standards that include the avoidance of blocking access.

Adopt coastal zone wide policy indicating the following:

Where it is determined by a wave uprush and impact report and analysis prepared by a licensed civil engineer with expertise in coastal processes to be necessary to provide shoreline protection for an existing structure built at sand level, a “vertical” seawall or bulkhead shall be the preferred means of protection. Rock revetments may be permitted to protect existing structures where they can be constructed entirely underneath raised foundations or where they are determined to be the preferred alternative.¹⁵

Adopt “soft solutions” policy and/or development standard: On any beach found to be appropriate, alternative “soft solutions” to the placement of shoreline protection structures shall be required. Soft solutions shall include dune restoration, sand nourishment, and design criteria emphasizing maximum landward setbacks and raised foundations.¹⁶

Adopt construction standards conditions where shoreline protection devices permitted that include the following:

Development on or near sandy beach or bluffs, including the construction of a shoreline protection device, shall include measures to insure that:

1. No stockpiling of dirt or construction materials shall occur on the beach;
2. All grading shall be properly covered and sandbags, ditches, or other Best Management Practices (BMPs) shall be used to prevent

¹⁵ Source: City of Malibu LCP

¹⁶ Source: City of Malibu LCP

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>COASTAL LAND USE PLANS</u></p> <p><u>No. County LUP</u> No policies specifically address this issue.</p> <p><u>DMF LUP</u> No policies specifically address this issue.</p> <p><u>Carmel LUP</u> Carmel Policy 2.7.4.Geo.10 requires structures not to impede lateral beach access and try to respect natural landform & visual appearance; also, not adversely impact shoreline supply (e.g., incorporate sand bypass; import replacement sand).</p> <p><u>Big Sur LUP</u> Not applicable since seawalls are not allowed.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p><u>No Co IP Chapter</u> No Co IP Section 20.144.060.A.2.c requires development to be sited & designed to conform to site topography, otherwise no provisions specifically address this issue</p> <p><u>Del Monte Forest IP Chapter</u> No provisions specifically address this issue.</p> <p><u>Carmel IP Chapter</u> Carmel IP Section 20.146.080.D.1.i similar to Carmel policy 2.7.4.Geo.10</p>	<p>runoff and siltation;</p> <ol style="list-style-type: none"> 3. Measures to control erosion, runoff, and siltation shall be implemented at the end of each day's work; 4. No machinery shall be allowed in the intertidal zone at any time unless authorized in the Coastal Development Permit; 5. All construction debris shall be removed from the beach daily and at the completion of development.¹⁷ <p><u>COASTAL IMPLEMENTATION PLAN</u> Adopt corresponding implementation provisions.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

¹⁷ Source: City of Malibu LCP

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>Big Sur IP Chapter</u> Not applicable since seawalls are not allowed.</p>	
<p>ISSUE CH-6: Tunnels Ensure that tunneling to the beach and similar landform alteration is adequately regulated in a manner consistent with Coastal Act policies.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The LUP contains policies that can be applied to address the issues associated with tunneling to the shoreline. However, they are not explicit and were interpreted by the County to allow blasting granitic sea rock to provide tunnel access to a private beach that was problematic from a Coastal Act perspective (A-3-MCO-01-071).</p> <p>To date the General Plan update has not specifically addressed this issue.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No Co Land Use Plan</u> No Co LUP Policy 2.8.2.1 similar to Carmel policy 2.7.3.1 No Co LUP Policy 2.8.1 similar to Carmel policy 2.7.2. No Co LUP Policy 2.8.3.A.5 similar to Carmel LUP Policy 2.7.4.7.a., c. and e. <u>Del Monte Forest Land Use Plan</u> Del Monte Forest Policy 40 similar to Carmel LUP Policy 2.7.3.1 Del Monte Forest Policy 47 prohibits alteration of shoreline except to protect certain development. Del Monte Forest Policy 49 prohibits bluff and cliff top development that contributes to or creates geologic instability.</p> <p><u>Carmel Land Use Plan</u> Carmel LUP Policy 2.7.3.1 states that: All development shall be sited and designed to minimize risk from geologic, flood, or fire hazards.</p>	<p>Summary: Add to current policies a specific prohibition against tunneling and similar disturbances to the natural shoreline landform.</p> <p><u>COASTAL LAND USE PLANS</u> Adopt a coastal zone wide policy to prohibit private shoreline projects, such as tunnels, that alter the natural landform and are not protective devices to complement cited policies. (Note: recommendations for protective devices are covered elsewhere).</p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

and designed to minimize risk from geologic, flood, or fire hazards. Areas of a parcel, which are subject to high hazard(s), shall generally be considered unsuitable for development...

Carmel LUP Policy 2.7.2 states: Land uses and development in areas of high geologic, flood, and fire hazard shall be carefully regulated through the best available planning practices in order to minimize risks to life and property and damage to the natural environment.

Carmel LUP Policy 2.7.4.10 states: Revetments, groins, seawalls, or retaining walls, and other such construction that alters natural shoreline processes shall be permitted only where required for the protection of existing development...

Carmel LUP Policy 2.7.4.7.a., c. and e. Where soils and geologic reports are required, they should include a description and analysis of the following items: For development proposed in all areas

- a. geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features, such as bedding, joints and faults;
- c. impact of construction activity on the stability of the site and adjacent area;
- e. potential erodibility of site and mitigating measures to be used to minimize erosion problems during and after construction (i.e., landscaping and drainage design);"

Carmel LUP Policy 2.2.3.7 states that extensive landform alteration shall not be permitted.

Big Sur Land Use Plan

Big Sur policy 3.7.2.3 similar to Carmel LUP Policy 2.7.3.1

Big Sur policy 3.7.1 similar to Carmel LUP Policy 2.7.2

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Big Sur policy 3.7.3.A.11 similar to Carmel LUP Policy 2.7.4.7.a., c. and e.</p> <p>Big Sur policy 3.3.3.B.2 does not permit alteration of the shoreline.</p> <p>Big Sur policy 3.7.3.A.9 states that development within 50 feet of a bluff shall not diminish the stability of the area.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>No Co IP Section 20.144.100 similar to No Co land use plan policies.</p> <p>DMF IP Section 20.147.060 similar to DMF land use plan policies.</p> <p>Carmel IP Section 20.146.080 similar to Carmel land use plan policies.</p> <p>Big Sur IP Section 20.145.080 similar to Big Sur land use plan policies.</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Add corresponding private tunnel prohibition provision to cited IP sections.</p>
<p>ISSUE CH-7: Steep Slopes</p> <p>Ensure that the County has a uniform policy for requiring easements over steep slopes that present an erosion hazard.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: The County has a history of requiring easements on land of over 30% slope that predates the LCP. However, only the North County Land Use Plan explicitly states this requirement.</p> <p>To date the General Plan Update, while addressing grading and building on steep slopes, does not address putting such land under easement.</p> <p><u>GENERAL PLAN UPDATE</u></p> <p>GPU LU-4.11 states that within <u>high</u> soil erosion hazard areas, no development nor conversion of uncultivated land to cultivation shall be allowed on slopes greater than 25%, and no development density shall be calculated from those portions of a site that are over 25% in slope. In all other areas, 30% slope shall be the threshold.</p>	<p><i>Recommendations</i></p> <p>Summary: Require easements on land over 30% slope not allowed to be developed when development occurs on a parcel containing such land.</p> <p><u>GENERAL PLAN UPDATE</u></p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

GPU HS-4.6 states that new roads across slopes of 30% or more shall be allowed only where potential erosion impacts can be adequately mitigated” shall not include massive grading or excavation or alter natural landforms.

GPU Big Sur LU-3 – lands in excess of 25% cross slope, located east of Hwy 1, shall not be developed. Those portions of a parcel in this area that have a cross slope of 25% or more shall not be developed. Areas in Big Sur east of Hwy 1 between 15 & 25% slope shall be limited to one unit/80acres.

COASTAL LAND USE PLANS

No County LUP:

No Co. Policy 2.2.2(3) states scenic or conservation easements should be required, among other areas, on areas of 30% or more.

No Co. LUP 2.3.3.A.2 states: All chaparral on land exceeding 25 percent slope should be left undisturbed to prevent potential erosion impacts as well as to protect the habitat itself.

No Co LUP 2.3.3.A.4 States: Oak woodland on land exceeding 25% slope should be left in its native state.

DMF LUP: Policy3 prohibits development on slopes exceeding 30% unless siting better accomplishes other policies of the LUP.

Carmel Land Use Plan:

Carmel LUP Policy 2.2.4(10)(a) “...buildings should not be located on slopes exceeding 30%, except when all other guides are met and siting on slopes over 30% better achieves siting consistent w/the policies of the plan.

Carmel LUP Policy 2.7.4(4) allows roads across slopes of 30% or greater if erosion impacts can be mitigated (mitigation measures shall not include massive grading or construction etc.) w/o substantially altering natural landforms.

Carmel Policy 2.7.4(5) allows minor structures on slopes over 30%

COASTAL LAND USE PLANS

Retain North County Policy 2.2.2(3) language and apply coastal zone wide. (An easement could also be required over less steep slopes where the County requires their protection.)

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>Big Sur LUP:</u> Policy 3.2.3(A)(8) “encourages” landowners to grant the County scenic easements over portions of their land in the critical viewshed.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> <u>No Co IP Chapter</u> Section 20.144.040.c.1.c requires easements on portions of parcels proposed for development over 25% and containing maritime chaparral.</p> <p>DMF IP Chapter: no easement requirements.</p> <p><u>Carmel IP Chapter</u> Section 20.146.120.A.6 states: As a condition of development approval, all areas of a parcel in slopes of 30% and greater shall be required to be placed in a scenic easement.</p> <p><u>Big Sur IP Chapter</u> no easement requirements.</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Retain Section 20.146.120.A.6 and apply coastal zone wide. (An easement could also be required over less steep slopes where the County requires their protection.)</p>
<p>VIII. SCENIC RESOURCES</p> <p>The Coastal Act requires protection of scenic and visual qualities of coastal areas as a resource of public importance. New development must be sited and designed to protect views to and along the ocean and scenic coastal areas. Development must also minimize landform alteration, be compatible with the character of its surroundings and, where feasible, restore and enhance visual quality in visually degraded areas. In highly scenic areas, new development is required to be subordinate to its setting. The Coastal Act also requires that Highway One remain a scenic, two-lane road through the rural areas of the state. The Coastal Act also specifically protects the character of special coastal communities that may have unique characteristics or are popular visitor destination points (Sections 30251, 30253).</p>	
<p>ISSUE SR-1: Historic Resource Protection</p> <p>Ensure that historic resources are protected consistent with Coastal Act scenic and community character policies.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Only the Big Sur & North County Land Use Plan contains historic protection policies; the latter are only applicable to Moss Landing. These policies cover a range of historic preservation issues but do not comprise a complete set of necessary provisions to ensure that community character is protected pursuant</p>	<p>Summary: Adopt historic preservation policies with more direction as to what is historic and what can be done with historic resources.</p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

to Coastal Act directives. The recommended design guidelines for Moss Landing have never been prepared.

The zoning ordinance has provisions to apply to areas designated as historic resources, but identification of such resources (which could lead to them being placed under this zoning) is required only for Big Sur.

To date the General Plan Update has welcome policy language to protect historic resources, however, there are some gaps to ensuring complete protection that would carry out Coastal Act policies. There is a good, but general definition and requirement for an inventory, but a lack of direction as to how to determine what is historic and what should be in the inventory. Also, protective policies are geared toward only County-owned historic property, development adjacent to historic resources, and structures that property owners have agreed be on an inventory; thus, leaving policy gaps that could result in demolition or substantial adverse alterations of other historic resources. Additionally, the policies do not necessarily require following the guidelines and standards that are to be prepared.

GENERAL PLAN UPDATE

GPU Definition of Historic Resource: Generally, a building, structure, object, site, or district that can lead to a greater understanding or appreciation of the past. Historic resources are what historic preservation preserves. Sometimes the term is contrasted with “prehistoric resource,” a term that refers to an archeological site from a time before written records. The latter usage produces the familiar phrase “historic and prehistoric resources.”

GPU ER-12 is a goal to preserve, protect, and where feasible, enhance and restore the historic resources, features and places that contribute to the heritage of Monterey County and its man-made resources and traditions.

GENERAL PLAN UPDATE

Retain GPU Definition of Historic Resource

Add a policy to apply California Register of Historic Resources criteria as the framework to identify and document all historic resources

Add an action to develop an historic context statement to indicate which local events, local people, and distinctive regional architectural characteristics are significant for purposes of applying the California Register criteria.

GPU ER-12 should be adopted.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>GPU Policy ER-12.1 states that the County shall encourage and support nominations to the National Register of Historic Places, to the California Register of Historic Resources and to the Monterey County Inventory of Historic Resources.</p> <p>GPU Policy ER-12.2 says to amend the County's Historic Preservation Ordinance to reflect the 1998 changes to the California Environmental Quality Act</p> <p>GPU Policy ER-12.3 provides for the designation of Heritage Corridors and GPU Action ER-12.d says to designate corridors with unique historic and scenic resources as Heritage Corridors and to adopt guidelines for preserving context of identified historic resources along those corridors including design review guidelines for new construction.</p> <p>GPU Policy ER-12.4 calls for protecting historic resource features important to the setting of historic resources such as mature trees and vegetation, walls and fences within historic neighborhoods, districts and heritage corridors.</p> <p>GPU Policy ER-12.5 requires new proposed development projects that are within 200 feet or involve historic resources listed within the County database shall be reviewed by the Historic Resources Review Board to protect significant historical buildings, structures, landmarks, and districts.</p> <p>GPU Policy ER-12.6 requires the Historic Resources Review Board to review proposed projects, including demolition requests, involving County owned historic resources to insure that all County owned properties containing or adjacent to historic resources are constructed or reconstructed to compliment adjacent historic resources in a manner that is consistent with good preservation practices.</p> <p>GPU Policy ER-12.7 requires regular updating of the County's Historic Resources Inventory</p> <p>GPU Policy ER-12.8 says that the County shall continue as an "Interested</p>	<p>GPU Policy ER-12.1 can be adopted.</p> <p>GPU Policy ER-12.2 can be adopted.</p> <p>GPU Policy ER-12.3 and Action ER-12.d can be adopted. The purpose and function of Heritage Corridors should be elaborated, such as what is permissible in a Heritage Corridor?</p> <p>GPU Policy ER-12.4 should be adopted with the revision to delete the first mention of "historic resource" (i.e., protect all features important to the setting of historic resources, whether they are historic or not)</p> <p>GPU Policy ER-12.5 should be adopted with the revision "...that are within 200 feet <u>of an historic resource</u> or that involve...".</p> <p>GPU Policy ER-12.6 should be adopted with a revision to apply to all historic structures, not just County-owned ones.</p> <p>GPU Policy ER-12.7 should be adopted</p> <p>GPU Policy ER-12.8 may be adopted.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Party” under Section 106 of the National Historic Preservation Act process and maintain active involvement in mechanisms for the Historic Resources Review Board historic resource management programs.

GPU Policy ER-12.9 requires that historical resources and sites shall be protected through zoning and other suitable regulatory means to ensure that new development shall be compatible with existing historical resources to maintain the special values and unique character of the historic properties.

GPU Action ER-12.a provides: Maintain and regularly update its Inventory of Historic Resources database of at least 50 years old in unincorporated areas of Monterey County and develop a potential eligibility list of historic resources, which does not require owner consent. Property owner’s consent must be obtained prior to the formal listing of any property.

GPU Action ER-12.b provided: Continue to maintain and update the historic resources data base and incorporate the data into the County GIS system. Include: all areas inventoried within the County; all individual parcels known to include historic resources and regions; and parcels with a high potential for containing historic resources based on natural landscape, historic maps and oral histories. The historic resources database will also include all properties contained within existing and future cultural resources inventories that have been or are assigned a National Register designation of 1 to 5.

GPU Policy ER-12.9 should be adopted with the following additional provisions:

- Implement the Secretary of the Interior’s Standards for the Treatment of Historic Properties (SOI Standards) as the standard of review for development projects affecting historic resources.
- Prohibit the demolition of all historic resources and prohibit changes to historic resources that conflict with the Secretary of Interior’s Standards and Guidelines unless it is determined by the Board of Supervisors that such prohibition would preclude a viable economic use of the property, such prohibition would present a threat to public health and safety, rehabilitation of the resource was not feasible, or there are no feasible alternatives. When completing environmental review of any project affecting an historic resource, require exploration of one or more alternative designs that would be consistent with the Secretary of the Interior’s Standards and Guidelines Standards.
- Utilize guidelines prepared pursuant to GPU Action ER-12.e & ER-12.g

GPU Action ER-12.a may be adopted if clarified that historic resources on an inventory for the purposes of applying protective policies are listed based on their merit, not on property owner consent. However, the County may also maintain some type of Register that is voluntary for property owners to be listed on.

GPU Action ER-12.b may be adopted.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>GPU Action ER-12.c requires incorporation of survey and inventory of historic, cultural, engineering and architectural resources throughout the County. The database will further define thematic inventories.</p> <p>GPU Action ER-12.e directs: based upon state and federal guidelines and County criteria and database, develop Historic Preservation design review and context guidelines for development proposals when they involve historic resources.</p> <p>GPU Action ER-12.g provides that when community support is forthcoming for a proposal, the County will pursue creation and adoption of Historic Resources District Zoning. The Historic Resources District Zoning will provide specific guidelines and standards and design review for siting, design, renovation, and maintenance of structures and landscape features. Historic Resources zoning will be applied to all National Register/California Register properties.</p> <p>GPU Action ER-12.h says to create a list of properties that are eligible for the National Register and/or California Register and provide written notice to property owners of these historic properties advising them of the benefits of the National Register Program and of preservation local incentives available for their properties.</p> <p>GPU Goal ER-13 is to preserve the County's historic resources through financial incentives, a clear review process, preservation assistance and integration of historic preservation tools into the County planning system.</p> <p>GPU Policy ER-13.1 says to initiate, adopt, and promote the availability of monetary and other incentive programs to encourage the retention, reuse and restoration of historic structures.</p> <p>GPU Policy ER-13.2 calls for retaining the special character of historic districts and neighborhoods, including protecting historic resource features such as mature trees and vegetation, walls and fences, and promote compatible development within historic districts by modifying development standards within historic districts.</p>	<p>GPU Action ER-12.c may be adopted.</p> <p>GPU Action ER-12.e may be adopted</p> <p>GPU Action ER-12.g may be adopted, with the clarification that this action shall not supersede current practice of requiring rezonings to the HR overlay district in the coastal zone.</p> <p>GPU Action ER-12.h may be adopted.</p> <p>GPU Goal ER-13 may be adopted.</p> <p>GPU Policy ER-13.1 may be adopted.</p> <p>GPU Policy ER-13.2 may be adopted.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>GPU Policy ER-13.6 says to review County Historic Preservation Ordinance and amend where needed any sections, which do not conform to current standards and practices in the California Register and California Environmental Quality Act.</p> <p>GPU Policy ER-13.8 says to use Section 21.64.240 of the Monterey County Historic Resources Code, which provides for exceptions to the zoning district regulations when an exception is necessary to permit the rehabilitation of a historic resource.</p> <p>GPU Action ER-13.b says to revise the County's historic preservation ordinance to include a sign ordinance for heritage corridors.</p> <p>GPU Action ER-13.c says to amend Historic Preservation Ordinance to establish that buildings on the National Register, California Register and Monterey County Register of Historic Resources shall be deemed "qualifying structures", eligible to use the State Historic Building Code pursuant to Section 18955 of the Health and Safety Code.</p> <p>GPU Action ER-13.d requires mitigation options in the event a property listed on Monterey County's Inventory of Historic Resources must be demolished. Options include, but are not limited to purchase and relocation, survey funding, interpretive projects, and funding County preservation projects. In the event of a demolition, 10% of the market value of the resource shall be deposited into a rehabilitation/survey fund. If the demolition is due to new development, 1% of the project cost shall be deposited into the rehabilitation/survey fund to be used as matching funds for HRRB mandated preservation projects.</p> <p>GPU Action ER-13.e requires criminal and civil penalty provisions and/or a penalty fee with mandatory monetary penalties and potential imprisonment for noncompliance with standards and practices for anticipatory demolition.</p> <p>GPU Goal ER-14 states: Improve awareness and encourage appreciation of the County's historic assets through public education and heritage</p>	<p>GPU Policy ER-13.6 may be adopted.</p> <p>GPU Policy ER-13.8 may be adopted with clarification that approval should not be inconsistent with other Land Use Plan policies (see recommendation on Chapter 20.54 below)</p> <p>GPU Action ER-13.b may be adopted.</p> <p>GPU Action ER-13.c should be adopted, but should be clarified to apply to all defined historical buildings.</p> <p>GPU Action ER-13.d should be adopted, with the addition of salvage and reuse as options.</p> <p>GPU Action ER-13.e should be adopted.</p> <p>GPU Goal ER-14 may be adopted.</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

tourism followed by policies and actions to accomplish this.

COASTAL LAND USE PLAN

North County Land Use Plan

No Co. LUP policy 2.9.2.1 encourages the timely identification and evaluation of historical resources, in order that these resources be given consideration during the conceptual design phase of land use planning or project development.

No Co policy 5.2.1.B.2 states that General Commercial uses are shown on the plan map on both sides of Moss Landing Road. Antique shops, the Moss Landing Post Office and historical buildings such as the Pacific Coast Steamship Company, lend a special character to this area and should be preserved and upgraded. Appropriate design and setback standards should be applied as a means of providing relief from "strip" development that can be an aesthetic nuisance to the community.

No Co policy 5.6.1.1 states that the County's objective shall be to conserve the unique visual, cultural, and historic resources of Moss Landing to the greatest extent possible while protecting private property rights.

No Co policy 5.6.2.3 states that the County should maintain an identification survey and inventory program of historical sites and should maintain a registry program to protect and preserve historical land mark sites and districts.

No Co policy 5.6.2.4 states that as early as possible in the planning stage for a proposed development project, the County shall identify any historical, architectural, archaeological or cultural resources eligible for inclusion on historical registers which may be located within the project's potential impact area. Owners of the properties containing those resources shall be promptly notified. Guidelines for preservation, restoration or adaptive use of designated historic sites should be developed.

No Co. policy 5.6.2.5 states that the "HR" Zoning District Ordinance

COASTAL LAND USE PLAN

No Co. LUP policy 2.9.2.1 may be retained.

No Co policy 5.2.1.B.2 may be retained

No Co policy 5.6.1.1 may be retained.

No Co policy 5.6.2.3 may be retained and should be applied County wide (see other recommendations for this issue above)

No Co policy 5.6.2.4 may be retained.

No Co. policy 5.6.2.5 may be retained.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>should be applied to designated historical sites to ensure that new onsite development is compatible with existing historical resources and to maintain the special values and unique character of the historical properties.</p> <p>No Co. policy 5.6.3.2 states that where the preservation of designated historical buildings and landmarks is in jeopardy, the land and resource should be considered for acquisition by private or public organizations.</p> <p>No Co. policy 5.6.3.3.states that design standards should be developed to address the most essential factors in conserving the historic character of Moss Landing</p> <p>No Co. policy 5.6.3.7 states that a Moss Landing Community Design Review Committee shall be formed to provide guidance to the County in the consideration of development proposals. In cooperation with the County, the committee should develop design review criteria and standards to ensure that new development is visually compatible with natural features, historical resources, and the unique character of Moss Landing. Design standards should include criteria regulating height, bulk, siting, structural design, shape, color, texture and materials used in new buildings, and should also address landscaping requirements. Once developed, these criteria shall be used by both the Committee and the County in reviewing development proposals.</p> <p>The policy lists specific design criteria for the Island and Moss Landing Road to protect historic characteristics.</p> <p><u>Del Monte Forest Land Use Plan</u> DMF Policy 60 states that the timely identification and evaluation of archaeological, historical, and paleontological resources is encouraged in order that these resources be given full consideration during the conceptual design phase of land use planning for project development.</p> <p><u>Carmel Land Use Plan</u> Carmel policy 2.8.3.1 similar to DMF policy 60.</p> <p>Carmel policy 4.4.3.F.1.a gives historic resource status to Mission Ranch.</p>	<p>No Co. policy 5.6.3.2 may be retained.</p> <p>No Co. policy 5.6.3.3 may be retained.</p> <p>No Co. policy 5.6.3.7 may be retained.</p> <p>Carmel policy 4.4.3.F.1.a should be retained.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Big Sur Land Use Plan

BS policy 3.10.1 states that it is the policy of the County to protect, maintain, and where feasible, enhance and restore the cultural heritage of the County and its man-made resources and traditions.

BS policy 3.10.1.1 states that development shall, where appropriate, protect significant historical buildings, landmarks, and districts because of their unique characteristics and contribution to the cultural heritage of the County.

BS policy 3.10.1.3 states that the County shall maintain an identification survey and inventory program of historical sites and shall maintain a registry program to protect and preserve historical land-mark sites and districts.

BS policy 3.10.1.4 states that designated historical sites shall be protected through zoning and other suitable regulatory means to ensure that new development shall be compatible with existing historical resources to maintain the special values and unique character of the historic properties..

COASTAL IMPLEMENTATION PLAN

IP Ch. 20.54 has regulations for Historic Resource zoning districts, a combining (i.e., overlay) district. Based on Ch 18.25, which is not part of the LCP.

BS policy 3.10.1 may be retained.

BS policy 3.10.1.1 may be retained.

BS policy 3.10.1.3 may be retained.

BS policy 3.10.1.4 may be retained.

COASTAL IMPLEMENTATION PLAN

Revise IP consistent with above recommendations; clarify status of Ch. 18.25 (e.g., indicate it doesn't apply in coastal zone; incorporate into LCP; or integrate with Ch 20.54); include historic review and development standards that are applicable coastal zone wide.

Add a provision so the Director of Planning and Building Inspection may grant an exception to the zoning district regulations when such exception is necessary to permit the preservation or restoration of, or improvements to, a structure designated as historically significant. Such exceptions may include, but are not limited to, parking, yards, height, and coverage regulations. Such exceptions shall not include approval of uses not otherwise allowed by the zoning district regulations nor that would be inconsistent with Land Use Plan policies.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Section 20.54.030.C limits designated sites to being on a register.</p> <p>Section 20.54.060.C states that the decisions shall not deprive the applicant of the uses allowed in the underlying zoning district, nor will mitigation measures or conditions be applied which will render the applicant's project infeasible, or require the applicant to preserve or maintain the resource without viable use or economic return.</p> <p>Section 20.54.060 allows an application to be approved if the action is necessary to correct an unsafe or dangerous condition of the property and such unsafe or dangerous condition has not been ordered to be corrected pursuant to Section 18.25.160 (which states: The provisions of this Chapter shall not be construed to prevent any construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of any structure, or part thereof, where such condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal, and where the proposed measures are necessary to correct such condition, or in instances of natural disaster, where the State Office of Historic Preservation determines, pursuant to Public Resources Code Section 5028, as amended, that a structure should be demolished, destroyed, or significantly altered.)</p> <p>Moss Landing IP section 20.144.160.D.2.b requires identification of architectural resources.</p> <p>Moss Landing IP section 20.144.160.D.2.b requires owners of historic properties to request HR zoning.</p> <p>Moss Landing IP section 20.20.070.H has design standards to conform to the early American style.</p> <p>Big Sur IP Section 20.145.020.TT defines "Historical Site" as a site which has been included on the County's list of adopted historical sites,</p>	<p>Revise Section 20.54.030.C to be consistent with recommendations for identifying historic resources above.</p> <p>Revise Section 20.54.060.C to be consistent with recommendations for preserving historic resources above. Revise to state that applicant shall be allowed a use (but not necessarily any use) specified in the underlying zoning district; that if mitigation measures or conditions are required to protect historic resources, then they be tied to a feasible project (but not necessarily what the applicant originally proposed); and that viable economic return be related to the current use and condition of the building.</p> <p>Revise Section 20.54.060 to ensure that demolitions are not allowed where other feasible corrective measures are available and that demolition orders can be stayed (and the dangerous condition stabilized or isolated) in order to give time to work out measures to preserve historic elements.</p> <p>Revise Moss Landing IP section 20.144.160.D.2.b to require such rezonings.</p> <p>Revise Big Sur IP Section 20.145.020.TT to be consistent with General Plan Update definition and not preclude sites that meet historical criteria</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>due to its national, state or local significance as an historical or cultural resource. As of July, 1986, Big Sur Coast sites on the County's list include Big Sur Inn, Bixby Creek Bridge, Gamboa homestead, Grimes homestead, Idlewilde Hotel, Kino mine, Kirk Creek campground, Mansfield/Manchester, Molera Ranch, Notley's Landing, Palo Colorado School, Partington homestead, Point Sur Lighthouse, Post homestead, Slate's Hot Springs, and Yankee Point coal mines.</p> <p>Big Sur IP section 20.145.110.B requires an historic site survey where historic resources exist or are suspected.</p> <p>Big Sur IP sections 20.145.110.C.1 & 2 have criteria to carry out LUP policies.</p> <p>Big Sur IP section 20.135.110.C.3 requires referral to the County Historical Resources Review Board.</p> <p>Big Sur IP section 20.1145.110.C. 4 requires rezoning of parcels with historic resources to "HR" overlay.</p>	<p>but are not yet on the County's list.</p> <p>Retain Big Sur IP section 20.145.110.B, revise to be consistent with policy recommendations, and apply coastal zone wide.</p>
<p>ISSUE SR-2: Air Space Protection in Critical Viewshed Ensure that structures in the Carmel Area public viewshed and Big Sur critical viewshed do not become taller through future additions where such development would conflict with Coastal Act scenic protection policy.</p>	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: While the LCP has many good viewshed protection policies, long-term protection against increased heights may be compromised by general height limits not tailored to specific areas, statutory exemptions for some additional development, and new expectations of property owners. To ensure permanent protection of sensitive viewshed land, the County has typically required permanent protection in the form of scenic easements. Also, the mandate for easements is found in the zoning, not explicitly in the land use plan. And, to date, this concept has not been extended to prevent additional height.</p> <p>To date the General Plan Update also has general viewshed</p>	<p>Summary: Add a provision clarifying that scenic easements can also be required to prevent additional height that would conflict with view protection policies.</p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

protection policies, but does directly address this issue.

GENERAL PLAN UPDATE

GPU Policies ER-10.1 through ER-10.4 require protection of views from important public viewing points; scale in character of scenic areas; no new structures on ridgelines within critical viewsheds; and limits to topographic alteration.

GPU Policy ER-10.3 limits the height of any new structure that is visible within a high sensitivity viewshed area, to a single-story above the natural elevation.

GPU Policy Big Sur ER-18 states the County's objective is to preserve Big Sur's scenic resources and promote restoration of the natural beauty of visually degraded areas wherever possible.

COASTAL LAND USE PLANS

Big Sur Land Use Plan

Big Sur LUP Basic Objective 2.2.2.: Coastal Scenic Resources.

Recognizing the Big Sur coast's outstanding scenic beauty and its great benefit to the people of the State and the Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote, wherever possible, the restoration of the natural beauty of visually degraded areas.

The County's basic policy is to prohibit all future public or private development visible from Highway 1 and major public viewing areas.

Big Sur LUP Key Policy 3.2.1 states: Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed), and to condition all new development in areas not visible from Highway 1 or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this plan.

GENERAL PLAN UPDATE

COASTAL LAND USE PLANS

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Big Sur LUP Policy 3.2.3(A)(1) requires all new parcels to contain building sites outside the critical viewshed.</p> <p>Big Sur LUP Policy 3.2.3(A)(7) indicates replacement of structures lost to fire or natural disaster within the critical viewshed, shall be encouraged for resiting/redesign in order to conform to Key Policy 3.2.1, [carried over to GPU as Big Sur ER-18].</p> <p>Big Sur LUP Policy 3.2.3(A)(8) indicates that landowners will be encouraged to grant scenic easements to the County over portions of their land in the critical viewshed.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> <u>Big Sur Coastal Implementation Chapter</u> Big Sur IP Section 20.145.030(A)(1)(b) precludes ocean views from being obscured by artificial berming, mounding, or landscaping; subsection 2 of this Section requires all new created parcels to contain building sites outside the critical viewshed.</p> <p>Big Sur IP Section 20.145.030(A)(2)(f) states replacement of a structure be resited or redesigned to better conform the intent of this section. Replacement or enlargement of existing structures or structures lost to fire or natural disaster within the critical viewshed shall be permitted on the original site, provide no other less visible portion of the site is acceptable to the property owner, and replacement or enlargement does not increase visibility of the structure.</p> <p>Big Sur IP Section 20.145.030(A)(2)(g) states landowners are required to grant scenic easements to the County over portions of their land in the critical viewshed, as a condition of approval.</p>	<p>Add a second sentence to Big Sur policy 3.2.3(A)(8) that states: As a condition of permits issued for parcels where additional development would be in the critical viewshed, a scenic easement shall be required to prevent future incursions into the critical viewshed.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>(Note: recommendations may be forthcoming on this Big Sur IP Section 20.145.030(A)(2)(f) and related ones as a result of future evaluation of Big Sur viewshed policies.)</p> <p>Add to IP Section 20.145.030(A)(2)(g) where scenic easements are required to include airspace over approved development, where increased height would be visible</p>
<p>ISSUE SR-3: Underground Utilities Ensure that undergrounding is required where appropriate to protect coastal views.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Summary Comment: The current LCP has policies that require undergrounding of utility lines in certain instances. Each segment has slightly different standards, which to the extent that they reflect the different sensitivity of the scenic resource is appropriate. But exception terms (i.e., where cannot be undergrounded or where overriding natural and physical constraints exist) leave room for inconsistent discretion that could result in potential viewshed impacts.

To date the General Plan Update has a welcome policy to prohibit new above ground utilities.

GENERAL PLAN UPDATE

GPU: Policy HS-1.6 precludes new aboveground utilities.

COASTAL LAND USE PLANS

No. County LUP

No Co Policy 2.2.3(5) states new overhead utility and high voltage lines that cannot be placed underground should be routed to minimize environmental and scenic impacts.

DMF LUP

DMF Policy 53 requires utility lines to be placed underground except where it can be shown that the lines are hidden in existing tree cover, thereby minimizing removal of mature trees.

Carmel Land Use Plan:

Carmel Policy 2.2.2 requires all utilities to conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.

Carmel Policy 2.2.4(11) states existing power lines running along Highway 1 between Point Lobos and Malpas Creek and along San Jose Creek beach should be re-routed out of the viewshed or placed underground. New overhead power or telephone lines will be considered only where overriding natural or physical constraints exist. Water lines

Summary: Retain policies to require undergrounding of utilities, but clarify some exception criteria..

GENERAL PLAN UPDATE

Adopt GPU Policy HS-1.6

COASTAL LAND USE PLANS

Replace language in No Co policy 2.2.3.5 with current IP language: Require all new utility and transmission lines to be placed underground; except if placement underground is not feasible, placement would not adversely affect visual impacts; or overhead utilities better meet resource protection policies.

Retain DMF LUP Policy 53.

Retain Carmel LUP policy 2.2.2.

Retain Carmel Policy 2.2.4(11).

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

and drainage pipes should be buried or otherwise obscured by vegetation.

Big Sur LUP Policy 3.2.5(D) states “it is the County’s intent that utilities be installed underground. Overhead power or telephone lines will be considered only where overriding natural or physical constraints exist.” Requires placement of poles in the least conspicuous locations out of the public, and where possible private view. Policy further indicates that transmitter towers and power facilities must not appear in the critical viewshed. Same language for water lines/underground conduits as listed in Carmel LUP.

COASTAL IMPLEMENTATION PLAN

North County IP: Section 20.144.030(B)(9) requires all new utility and transmission lines to be placed underground; except if placement underground is not feasible, placement would not adversely affect visual impacts; or overhead utilities better meet resource protection policies.

DMF IP: Section 20.147.070(B)(1) requires underground utilities in all new developments except where it can be shown that the lines can be hidden in existing tree cover; a request for waiver is required according to criteria listed.

Carmel IP: Section 20.146.030 requires utilities to conform to policy of minimum visibility, except where otherwise noted in the ordinance. Subsection B allows new overhead power or telephone lines to be considered instead of underground utilities only where overriding natural or physical constraints exist. An applicant is required to follow process for requesting a waiver that will ultimately be decided at the time of a public hearing.

Big Sur IP: Section 20.145.030(B)(4) requires utilities to be installed underground except where overriding natural or physical constraints exist; e.g., slopes over 30%, landmark trees, or ESHA.

Retain Big Sur Policy 3.2.5(D).

COASTAL IMPLEMENTATION PLAN

Add to Section 20.144.030(B)(9) criteria for determining feasibility of undergrounding and criteria for determining how overhead utilities better meet resource protection policies (e.g., slopes over 30%, landmark trees, or ESHA)

Retain Section 20.147.070(B)(1).

Add to Section 20.146.030 examples of overriding constraints (e.g., slopes over 30%, landmark trees, or ESHA).

Retain Section 20.145.030(B)(4)

ISSUE SR-4: Views from Offshore

Ensure that important views from the beach and ocean are protected.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has many viewshed protection policies. However, they do not specifically identify the ocean waters as vantage points in applying these policies. Only North County and Big Sur and to some extent Carmel identify beaches as vantage points. Thus, there could be some development approved that would be intrusive to beach goers or ocean users.</p> <p>To date the General Plan Update has a welcome policy on protecting public views from the beach in North County.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-10.1 requires development projects in scenic resource areas to protect views from public areas including beaches "...and waters used for recreational purposes." Standard used for measuring impacts to visual resource is whether any portion of the proposed development is visible from the scenic road or major public viewing areas as identified in the critical viewshed (i.e., scenic viewshed map).</p> <p>GPU Area Section Policy N. County ER-17 requires protection of views from public beaches.</p> <p><u>COASTAL LAND USE PLANS</u></p>	<p>Summary: Adopt policy to protect views from the beach and ocean.</p> <p><u>GENERAL PLAN UPDATE</u> Adopt GPU policy ER-10-1 with regard to protecting views from beaches and waters used for recreational purposes. For such views clarify what the scenic resource areas are to protect and what constitutes protection as follows:</p> <ol style="list-style-type: none"> 1. for ridgeline development: include in the definition of a ridgeline, beach and waters used for recreational purposes as vantage points and then apply ridgeline policies (see also Recommendations for Issue SR-8 Ridgeline Development); 2. for development in areas south of the Carmel River that appear undeveloped from beaches or waters used for recreational purposes: after applying the LCP's current viewshed protective measures the development would still be visible from the beach or offshore, require additional screening or other design mitigations to reduce visibility; 3. for infill development require that it appear in character with the surrounding development visible from beaches (other than North County [which has its own policy]) and offshore. <p>Adopt an action for the County to empower its Land Use Advisory Committees for the coastal zone area to determine whether to recommend more precise design guidelines for infill development visible from beaches or offshore.</p> <p><u>COASTAL LAND USE PLANS</u></p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

[illegible]

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>within sight of Highway 1 and major public viewing areas including turnouts, beaches...</p> <p>Big Sur LUP Key Policy 3.2.1 states that it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed).</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p><u>No. County IP:</u></p> <p>No Co IP Section 20.144.020.SSS defines public viewshed to include composite area visible from beaches.</p> <p>No Co IP Section 20.144.020.TTT defines public viewing area as any area open to the public such as a public road or public lands.</p> <p>No Co IP Section 20.144.030.B.2 requires maximum screening of development within view of public beaches and other design modifications to minimize visual impact.</p> <p>No Co IP Section 20.144.030.B.6 contains standards for ridgeline development.</p> <p>No Co IP Section 20.144.030.B contains visual protection provisions.</p> <p><u>DMF IP Chapter</u></p> <p>DMF IP Section 20.147.070.C.3 contains standards for ridgeline development.</p> <p>DMF IP Section 20.147.070.C contains visual protection provisions.</p> <p><u>Carmel IP Chapter:</u></p>	<p>Policy 3.2.2.1</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Add to Section 20.144.020.SSS, “identified waters used for public purposes.”</p> <p>Retain No Co IP Section 20.144.030.B.2 as it pertains to views from public beaches.</p> <p>Revise No Co IP Section 20.144.030.B.6 to add when viewed from “identified waters used for public purposes” as well.</p> <p>Add to No Co IP Section 20.144.030.B a provision to carry out the recommended policy for infill development to appear in character with the surrounding development visible from identified waters used for public purposes.</p> <p>Revise DMF IP Section 20.147.070.C.3 to add when viewed from “identified waters used for public purposes” as well.</p> <p>Add to DMF IP Section 20.147.070.C a provision to carry out the recommended policy for infill development to appear in character with the surrounding development visible from identified waters used for public purposes.</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Carmel IP Section 20.146.010.Z defines public viewshed to include composite area visible from public beaches.</p> <p>Carmel IP Subsection 20.146.030.A requires on-site inspection by the project planner to determine whether project is in the public viewshed.</p> <p>Carmel IP Section 20.146.030.C contains visual protection provisions.</p> <p>Carmel IP Subsection 20.146.030.C.5 contains standards for ridgeline development, defined as when viewed from a common public viewing area.</p> <p><u>Big Sur IP Chapter</u> Big Sur IP Section 20.145.020.V defines critical viewshed as everything within sight of Highway 1 and major public viewing areas including turnouts, beaches...</p> <p>Big Sur IP Section 20.145.020.AAAA defines public viewing area as any area open to the public such as a public road or public lands.</p> <p>Big Sur IP Section 20.145.030.A.2 contains standards for development in the critical viewshed.</p> <p>Big Sur IP Section 20.145.030.A.3 contains standards for development not within the critical viewshed.</p>	<p>Add to Carmel IP Subsection 20.146.030.A also to determine if project is visible from “identified waters used for public purposes.”</p> <p>Add to Carmel IP Section 20.146.030.C provisions to carry out the recommended policy for infill development to appear in character with the surrounding development visible from identified waters used for public purposes and to carry out the recommended policy for development in areas south of the Carmel River that appear undeveloped from beaches or waters used for recreational purposes.</p> <p>Revise Carmel IP Subsection 20.146.030.C.5 to add when viewed from “identified waters used for public purposes” as well.</p> <p>Add to Big Sur IP Sections 20.145.030.A.2 & A.3 provisions to carry out the recommended policy for infill development to appear in character with the surrounding development visible from identified waters used for public purposes and to carry out the recommended policy for development in areas that appear undeveloped from beaches or waters used for recreational purposes, provided that the critical viewshed provisions are not violated.</p>
<p>ISSUE SR-5: Cellular Towers Ensure that cellular towers are appropriately regulated for their adverse visual and other potential impacts.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Summary Comment: The County amended the LCP to address most of the issues associated with wireless communication facilities. However, the new Wireless Communications Facilities ordinance does allow some potential visual impacts to occur in the public viewshed. New technologies exist for camouflaging wireless communication facilities that could address this circumstance.

To date the General Plan Update has a welcome, but general policy on this topic.

GENERAL PLAN UPDATE

GPU Policy ER-10.9 states that in rural scenic resource areas, satellite-receiving dishes, cellular radio or phone towers and similar devices, shall be sited so they are not immediately visible from scenic roads, highways, and public viewing areas. The facilities may be located within a scenic viewshed so long as their visual impact is minimized and/or they are viewed as distant objects.

COASTAL LAND USE PLANS

North County LUP has no specific cell tower policies.

Del Monte Forest LUP has no specific cell tower policies.

Carmel LUP

Carmel LUP action 2.2.5.3 states that property owners in the Highway 1 viewshed between Point Lobos and Malpaso Creek shall be encouraged to find alternative locations for antennas so that they are out of view from Highway 1 and public viewing areas.

Big Sur LUP

Big Sur LUP policy 3.2.5.D states in part that transmitter towers and power facilities must not appear in the critical viewshed.

COASTAL IMPLEMENTATION PLAN

IP Section 20.64.310 contains regulations for siting, design, & construction of wireless communication facilities: allow wireless communications facilities on any lot or parcel in any zoning district,

Adopt policy that requires the use of latest technologies for reducing visual impacts such as camouflaging techniques.

GPU Policy ER-10.9 may be adopted provided it is clear that it does not supersede ridgetop development and Big Sur critical viewshed policies.

Add an action for the County to prepare and update a guidance document regarding siting and designing wireless communication facilities.

COASTAL IMPLEMENTATION PLAN

Add to IP Section 20.64.310 language that requires the use of latest technologies for mitigating adverse visual impacts through appropriate camouflaging or utilization of stealth techniques (e.g., “micro-cell”

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>subject to a Coastal Administrative Permit or a Coastal Development Permit; co-location is encouraged when it will decrease visual impact, and discouraged when it will increase visual impact; requires screening from any designated scenic corridors/public viewing areas; wireless communication facilities are subject to the Big Sur Coast Land Use Plan viewshed policies; special design of wireless communication facilities may be required to mitigate potentially significant adverse visual impacts.</p> <p>IP Section 20.64.310.H.1 states the wireless communication facilities shall not significantly impact public views to the ocean; subsection H.1.d states that they should always be sited below the ridge line where possible; subsection H.1.e states that they shall be screened from any designated scenic corridors or public viewing area to the maximum extent feasible.</p> <p>Big Sur IP Section 20.14.5.030.B.4 contains criteria for allowing utilities in the critical viewshed similar to BS Policy 3.2.5.D.</p>	<p>facility-types that can be mounted upon existing utility poles, telecommunication towers designed to look like trees, rooftop or other building mounted antennas designed to blend in with the building's existing architecture) in cases where wireless communication facilities are allowed within the defined public viewshed.¹⁸</p>
<p>ISSUE SR-6: Landmark Trees Ensure that landmark trees are adequately protected for their scenic value as well as their possible habitat value consistent with Coastal Act sensitive habitat policy 30240.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: Landmark tree protection is included in the current LCP for all four segments. However, there are some internal inconsistencies and variations among the different provisions. While some of these differences may be justified, such as having a different age criteria in Big Sur where redwoods predominate, in general they create confusion and may not result in the level of protection that should be given.</p>	<p><i>Recommendations</i></p> <p>Summary: Adopt uniform definition for landmark trees, process for determining what are landmark trees, and protective policies.</p>

¹⁸ In other geographic areas, cell towers are required to be camouflaged inconspicuous and blend in with surrounding vegetation. For example, in the Puget Sound area, where tall evergreen trees are dominant, monopole cell towers are disguised as native trees. In Aptos, a monopole cell tower resembles the native redwood trees. In parts of Southern California, some cell towers resemble date palms such as those used for landscaping along freeways and blend in with the landscape. Other techniques include integrating panel antennas into building facades: See also, Pacific Bell Mobile Services, "Design Guidelines for Wireless Communication Facilities" and San Diego Association of Governments (SANDAG), "SANDAG Draft Wireless Communication Facilities Issues Paper."

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

To date, the General Plan Update also contains landmark tree protection, but does not resolve all of the internal inconsistencies noted above.

GENERAL PLAN UPDATE

GPU: Policy ER-3.6 is the same as Big Sur LUP policy 3.5.2.4 except uses a 100 year criteria.

GPU Policy Big Sur-ER-2 definition includes trees over 1000 years old (vs. 100 y.o.).

COASTAL LAND USE PLANS

No. Co. Land Use Plan

NO Co policy 2.2.2(5) related to protection of tree removal; 2.2.3(6) allows removal of landmark trees in accordance w/ Sections 2.3.2, 2.3.3, 2.6.2 & 2.6.3 (& indicates a tree ordinance will be developed). (Note: these existing policies do not appear to specifically regulate landmark trees.)

Del Monte Forest Land Use Plan

DMF Policy 37 defines and protects: "Landmark trees defined as visually, historically, or botanically significant specimens shall be protected as representative of the Del Monte Forests natural heritage. Landmark trees include those shown on the Figure 2A of this Plan as

GENERAL PLAN UPDATE

Proposed GPU: Policy ER-3.6 can be adopted but should be modified to also include the 24-inch size criteria, found in the current LCP and in the GPU definition section. Given that aspects of the landmark tree definition are not quantifiable, Policy ER-3.6 needs to include a process to determine which trees meet those aspects of the definition.

Given the large size of the County, identification of landmark trees will occur on a case-by-case basis, but the GPU could contain an action item in the GPU to identify and inventory landmark trees.

Proposed GPU Policy Big Sur-ER-2 is mostly repetitive of GPU ER-3.6, and therefore does not need to be adopted as written. However, since redwoods predominate in Big Sur and there are many over 100 years old, there could be a Big Sur only policy giving criteria for which redwood trees between 100 & 1000 years old would not be considered "landmarks."

COASTAL LAND USE PLANS

DMF LUP policy 37 needs to be retained as a qualification to the coastal zone wide policy, since landmark tree identification has already occurred in DMF.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

shaded or asterisked; the Monterey cypress grove in the Pescadero Point/Cypress Point area, shown on Figure 2 and any Coast live oak over 24 in diameter.

DMF Ch 7 OSAC Plan p. 46 protects landmark trees at Shepherds Knoll except for disease, danger, condo construction & roads

Carmel LUP Policies: 2.3.4(2), (8), (9), & (10) are protective of specific indigenous species; do not mention landmark trees specifically.

Big Sur LUP Policy 3.5.3.4: states “Landmark trees of all species shall be protected in perpetuity as significant features...” Defines them as visually significant, historically significant, exemplary of its species, or more than 1000 years old.

COASTAL IMPLEMENTATION PLAN

No. County IP: Section 20.144.020.BBB Definition same as in Big Sur LUP with the additional criteria of > 24” in diameter. Section 20.144.050.C.1 protects landmark trees with exceptions for in public right of way, no alternatives to development; or maintaining existing agricultural operations. However, definition is different >36” for eucalyptus or Monterey pine; > 24” for all others.

DMF IP: Section 20.147.020.O same definition as No Co. Attachment 1 protects landmark trees under this definition except in cases of threatening disease or immediate danger; hence doesn’t reflect LUP policy specificity.

Carmel IP: Section 20.146.020.Same definition as No Co. In Section 20.146.060.D.1 landmark trees are protected; exception of public right-of-way, no alternatives to development. Attachment A has different exception criteria: Landmark trees are protected except in cases of threatening disease or immediate danger.

Big Sur IP: Section 20.145.020.ZZ; same definition as No Co Section 20.145.060(D)(1) precludes removal of all landmark trees, w/exception to public right-of-way (criteria listed). Attachment 1 has different exception

Update DMF Ch 7 OSAC Plan p. 46 so that no additional landmark trees are allowed to be removed except as consistent with these recommendations.

COASTAL IMPLEMENTATION PLAN

Make the definitions and ordinance provisions of the IP consistent with the GPU/LUP policy. The exception criteria should all be the same: disease and danger. There should not be exceptions for public rights of way nor to accommodate development, unless the tree is a non-native. If a tree is in a public right of way for a long enough time to be considered a landmark, and hence access has occurred despite it, then it deserves permanent protection. Developments should be able to accommodate landmark trees as well, but in the rare case where there is no way they can, an exception provision is already available under IP Section 20.02.060.

Add into the IP a process for determining what is a Landmark Tree. Except in No Co this would be done through the Forest Management Plan; North County needs a similar process. Additional guidance could be provided in the IP’s Forest Management Plan provisions for what is historically significant e.g.,

- (1) Planted as a commemorative;
- (2) Planted during a particularly significant historical era; or
- (3) Marking the spot of an historical event.

And for what is exemplary of its species e.g.,

- (1) Unusually beautiful or distinctive;

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

criteria. Landmark trees are protected except in cases of threatening disease or immediate danger.

Summary Table of Landmark Tree Provisions in LCP:

	No Co	DMF	Carm el	Big Sur
Defined as visually significant	yes	yes	yes	yes
Defined as botanically significant	yes	yes	yes	yes
Defined as historically significant	yes	yes	yes	yes
Defined as >24"	Yes (>36" for eucalyptus)	yes	yes	yes
Defined as >1000 yrs old	yes	yes	yes	yes
Specific trees identified	no	yes	no	no
Exception for public right-of-way	yes	no	yes	yes
Exception for no alternative to development	yes	no	yes	no
Exception for disease	no	yes	yes	yes
Exception for danger	no	yes	yes	yes
Exception for maintaining ag	yes	no (N/A)	no	no

(2) Distinctive specimen in size or structure for its species
(3) Identified as having significant arboricultural value to the citizens of the County.¹⁹

Adopt an action item for the County to employ a forester to make recommendations as to Landmark Trees and to review Forest Management Plans.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE SR-7: Critical Viewsheds

Ensure that critical viewshed type policies (i.e., those that basically prohibit visible development) are applied to appropriate rural areas, consistent with Coastal Act scenic protection policies, and that landscape screening techniques which are allowed are not themselves visually intrusive.

County Policies and Comments

Summary Comment: All segments contain descriptions of areas where new development would potentially adversely impact scenic resources. For Big Sur most new visible development is prohibited in the defined critical viewshed. In this spectacular setting screening is not allowed to render the development invisible because it is subject to change (trees can die or be cut) and in itself may be unnatural. In the remaining coastal zone, such a high level of protection is not required because it is not warranted under the Coastal Act. The unincorporated area of Carmel south of the Carmel River has a similar, but slightly less stringent, policy to Big Sur's (except for the beach bluffs) in that development within the defined public viewshed can be screened and exceptions are allowed to prevent Constitutional takings. Del Monte Forest and North County have visual protective policies that emphasize location, design, and screening, rather than outright prohibition, except for North County's beaches, dunes, estuary, and wetland areas. This is appropriate given their more built out status. However, some landscape screening provisions could lead to unnatural looking landscapes, potentially conflict with Coastal Act habitat protection policies, and lose effectiveness over time. Also, some provisions to ensure that newly created lots are not problematic with regard to visual resource protection, leave open the possible use of inappropriate screening.

To date the General Plan Update has some welcome general policies on this subject, but not as detailed as the current LCP.

GENERAL PLAN UPDATE

GPU Policy ER-10.1 states that development projects in scenic resource areas shall be required to protect mountain, ocean, and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, streams, and waters used for recreational purposes. The

Recommendations

Summary: Revise to clarify that, first, new lots should not be created if the resulting development can not meet policies; second, that development needs be sited appropriately; third, that necessary design modifications should be required; and, forth, that any landscape screening be appropriate and required to be maintained. Revise Carmel Area policy to be more favorable to totally hiding new development in the uplands.

GENERAL PLAN UPDATE

GPU Policy ER-10.1 may be adopted, provided it is cross-referenced with the coastal zone definitions of what constitutes the scenic areas. Clarify what last phrase ("in the critical viewshed") means or delete it.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

standard to be used in determining impacts to visual resource areas is whether any portion of the proposed development is visible from the scenic highway, or major public viewing areas, as identified in the critical viewshed.

GPU Policy ER-10.2 states that development projects within scenic areas shall be designed to be in scale with or subordinate to the character of the scenic resource area. Elements within highly scenic areas that make up scenic qualities, such as large trees, rock formations, watercourses, bridges, and natural terrain, shall be protected. Use of reflective surfaces shall be minimized.

COASTAL LAND USE PLANS

North County Land Use Plan:

No Co. Key Policy 2.2.1 states development should be prohibited to the fullest extent possible in beach, dune, estuary, and wetland areas.

No Co Policy 2.2.2(1) protects views to and along the ocean shoreline from Highway 1, Molera Rd., Struve Rd., and public beaches, and to and along the shoreline of Elkhorn Slough from public vantage points.

No Co Policy 2.2.2.2 states: The coastal dunes and beaches, estuaries, and wetlands, should be designated for recreation or environmental conservation land uses that are compatible with protection of scenic resources. Facilities that are provided to accompany such uses shall be designed and sited to be unobtrusive and compatible with the visual character of the area.

No Co. Policy 2.2.2(3) states that property containing land on scenic slopes, hills, and ridgelines when proposed for subdivision, should be subdivided so that the lots are situated to allow the highest potential for screening development and access roads from view. Further, the policy states lots and access roads should be sited to minimize tree removal and visually intrusive grading during development.

No Co Policy 2.2.2(4) states the least visually obtrusive portion of a parcel should be considered the most desirable site for the location of

GPU Policy ER-10.2 may be adopted, provided it is clear that it does not pre-empt the more stringent Big Sur critical viewshed policy.

COASTAL LAND USE PLANS

Revise No. County Policy 2.2.1 to use “shall” vs. “should.”

Retain No Co Policy 2.2.2(1).

Retain No Co Policy 2.2.2.2.

Clarify that No Co. Policy 2.2.2(3) applies to natural screening (and not the potential to be artificially screened) and add the following: Do not allow new lots to be created within identified visually prominent settings without ensuring that subsequent development (including roads) would comply with all scenic protection policies.

Revise No Co. Policy 2.2.2(4) to change “should” to “shall.”

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

new structure. The policy further states structures should be located where existing topography and vegetation provide natural screening.

No Co Policy 2.2.2(5) states that structures should be located to minimize tree removal, and grading for the building site and access road. Disturbed slopes should be restored to their previous visual quality. Landscape screening and restoration should consist of plant and tree species complementing the native growth of the area.

Del Monte Forest Land Use Plan

DMF LUP Policy 51 states that areas within visually prominent settings identified on the LUP Visual Resources Map, when proposed for development, should be developed so that the lots and/or buildings are situated to allow the highest potential for screening from view the development and its access roads.

DMF LUP Policy 55 states that areas within the viewshed of scenic corridors identified on the LUP Visual Resources Map shall be zoned with a district, which requires adequate structural setbacks (generally a minimum of 50 [feet]), the siting and design of structures to minimize the need for tree removal and alterations to natural landforms. New structures shall be designed to harmonize with the natural setting and not be visually intrusive.

DMF LUP Policy 56 states that design and siting of structures in scenic areas should not detract from scenic values of the forest, stream courses, ridgelines, or shoreline. Structures, including fences, shall be subordinate to and blended into the environment, using appropriate materials, which will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening.

DMF LUP Policy 57 states that structures in scenic areas shall utilize native vegetation and topography to provide screening from the viewing

Revise end of No Co Policy 2.2.2(5) as follows: Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening. Landscape screening and restoration should consist of plant and tree species complementing the native growth of the area. Landscape screening shall be planted in an appropriate manner and required to be maintained over the life of the project.

Revise DMF LUP Policy 51 to apply to subdivision: Do not allow new lots to be created within identified visually prominent settings without ensuring that subsequent development (including roads) would comply with all scenic protection policies. (Note: new buildings and roads would be covered by other Plan policies; see recommendations for Policies 56 & 57).

Revise DMF LUP Policy 55 last sentence to apply to all new development (e.g., including roads) and add in "feet."

Revise DMF LUP Policies 56 & 57 to apply to all new development (e.g., including roads) and give siting priority over design modifications. The siting of new development in scenic areas should not detract from scenic values of the forest, stream courses, ridgelines, dunes or shoreline. Siting shall utilize native vegetation and topography to provide screening from the viewing area. In such instances, the least visible portion of the property shall be considered the most desirable building site location, subject to consistency with other siting criteria (e.g., proximity to environmentally sensitive habitat areas and safe access).

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>area. In such instances, the least visible portion of the property should be considered the most desirable building site location, subject to consistency with other siting criteria (e.g., proximity to environmentally sensitive habitat areas and safe access).</p>	<p>New development, including fences, shall be subordinate to and blended into the natural environment, using appropriate materials, which will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening. Screening shall be accomplished with native vegetation and shall not be the sole means of achieving compliance with this policy. Landscape screening shall be planted in an appropriate manner and required to be maintained over the life of the project.</p>
<p><u>Carmel Land Use Plan</u></p> <p>Carmel LUP Section 2.2.1 and Map A define the public viewshed, major public viewpoints and viewing corridors.</p> <p>Carmel LUP Key Policy 2.2.2 states that to protect the scenic resources of the Carmel area in perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and development including all structures, the construction of public and private roads, utilities, and, lighting must conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.</p> <p>Carmel LUP Policy 2.2.3.2 states that new development on the scenic beaches and bluffs of Carmel River State Beach shall be located out of the public viewshed.</p> <p>Carmel LUP Policy 2.2.3.3 states that new development on slopes and ridges within the public viewshed shall be sited within existing forested areas or in areas where existing topography can ensure that structures and roads will not be visible from major public viewpoints and viewing corridors. Structures shall not be sited on non-forested slopes or silhouetted ridgelines. New development in the areas of Carmel Highlands and Carmel Meadows must be carefully sited and designed to minimize visibility. In all cases, the visual continuity and natural appearance of the ridgelines shall be protected.</p> <p>Carmel LUP Policy 2.2.3.5 states that new subdivision which creates</p>	<p>Retain Carmel LUP Section 2.2.1 and Map A definitions.</p> <p>Retain Carmel LUP Key Policy 2.2.2</p> <p>Retain Carmel LUP Policy 2.2.3.1.</p> <p>Retain Carmel LUP Policy 2.2.3.3.</p> <p>Retain Carmel LUP Policy 2.2.3.5.</p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>commitment to new development of the coastal hills and ridges east of Highway 1 shall be permitted only where every parcel to be created has an adequate building site that cannot be seen from public viewing points and corridors. New lots and access shall also be designed to minimize tree removal and visually intrusive grading.</p> <p>Carmel LUP Policy 2.2.3.6 states that structures shall be subordinate to and blended into the environment, using appropriate materials that will achieve that effect. Where necessary, modification of plans shall be required for siting, structural design, color, texture, building materials, access and screening.</p> <p>Carmel LUP Policy 2.2.3.7 states that structures shall be located and designed to minimize tree removal and grading for the building site and access road. Where earth movement would result in extensive slope disturbance or scarring visible from public viewing points and corridors, such activity will not be allowed. Extensive landform alteration shall not be permitted.</p> <p>Carmel LUP Policy 2.2.3.8 states that landscape screening and restoration shall consist of plant and tree species consistent with the surrounding vegetation. Screening on open grassy slopes and ridges should be avoided.</p> <p>Carmel LUP Policy 2.2.4.2 states that sites for new structures shall be selected to avoid the construction of visible access roads and reduce the extent of environmental and engineering problems resulting from construction.</p> <p>Carmel LUP Policy 2.2.4.5 states that new roads will be considered only where it has been demonstrated that the use of existing roads or driveways is not possible or that rights-of-way for use of a common road are demonstrated to be unobtainable.</p> <p>Carmel LUP Policy 2.2.4.6 states that the existing forested corridor along Highway 1 shall be maintained as a scenic resource and natural screen for existing and new development. New development along Highway 1 shall</p>	<p>Retain Carmel LUP Policy 2.2.3.6</p> <p>Retain Carmel LUP Policy 2.2.3.7</p> <p>Retain Carmel LUP Policy 2.2.3.8</p> <p>Retain Carmel LUP Policy 2.2.4.2.</p> <p>Retain Carmel LUP Policy 2.2.4.5.</p> <p>Retain Carmel LUP Policy 2.2.4.6.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>be sufficiently set back to preserve the forested corridor effect and minimize visual impact.</p> <p>Carmel LUP Policy 2.2.4.10.a states that on ridges, buildings shall be sufficiently set back from the precipice to avoid silhouetting and to be as visually unobtrusive as possible. Buildings located on slopes shall be sited on existing level areas and sufficiently set back from the frontal face. Buildings should not be located on slopes exceeding 30 percent, except when all other plan guides are met and siting on slopes over 30 percent better achieves siting consistent with the policies of the plan.</p> <p>Carmel LUP Policy 2.2.4.10.c states that structures located in the viewshed shall be designed so that they blend into the site and surroundings. The exterior of buildings must give the general appearance of natural materials (e.g., buildings should be of weathered wood or painted in “earth” tones). The height and bulk of buildings shall be modified as necessary to protect the viewshed.</p> <p>Carmel LUP Policy 2.2.4.10.e states that existing trees and other native vegetation should be retained to the maximum extent possible both during the construction process and after the development is completed. Landscape screening may be used wherever a moderate extension of native forested and chaparral areas is appropriate. All new landscaping must be compatible with the scenic character of the area and should retain existing shoreline and ocean views.</p> <p>Carmel LUP policy 4.4.2.6 states that development of undeveloped parcels south of the Carmel River shall be permitted only if structures can be located, designed, or screened to be outside of the public viewshed.</p> <p><u>Big Sur Land Use Plan</u></p> <p>Big Sur LUP Section 3.2.2.1 defines “critical viewshed” as everything in sight of Highway One and major public viewing areas including turnouts, beaches and other noted specific locations.</p> <p>Big Sur LUP Policy 3.2.3(A)(1) requires all new parcels to contain building sites outside of the critical viewshed.</p>	<p>Retain Carmel LUP Policy 2.2.4.10.a</p> <p>Retain Carmel LUP Policy 2.2.4.10.c.</p> <p>Retain Carmel LUP Policy 2.2.4.10.e.</p> <p>Revise Carmel LUP policy 4.4.2.6 to give first priority to locating structures outside of the public viewshed east of Highway One outside of the Carmel Highlands enclave.</p> <p>Retain concept of Big Sur critical viewshed protection. (Note: Additional recommendations may be forthcoming as a result of future evaluation of the effectiveness of policies in protecting the critical viewshed.)</p> <p>Retain Big Sur LUP Policy 3.2.3(A)(1)</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Big Sur LUP Policy 3.2.4.A.1 states that outside of the critical viewshed, the design and siting of structures, whether residential, commercial, agricultural, or public, and access thereto, shall not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline.

Big Sur LUP Policy 3.2.4.A.2 states that new applicants, when selecting a building site outside of the critical viewshed, must consider the visual effects upon public views as well as the views and privacy of neighbors. The portion of a parcel least visible from public viewpoints will be considered the appropriate site for the location of new structures. New structures shall be located where existing topography or trees provide natural screening and shall not be sited on open hillsides or silhouetted ridges. Sites shall not leave excavation scars or slope disturbance. Structures and access roads shall be designed to minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover.

Big Sur LUP Policy 3.2.4.A.3 states that new development outside of the critical viewshed should be subordinate and blend with its environment, using materials or colors that will achieve that effect. Where necessary, appropriate modifications will be required for siting, structural design, size, shape, color, textures, building materials, access, and screening.

Big Sur LUP Policy 3.2.4.A.4 states that outside of the critical viewshed landscape screening may be used wherever a moderate extension of native forested and chaparral areas is possible. Other screening must be of similar plant or tree species.

Big Sur LUP Policy 3.2.4.A.5 states that outside of the critical viewshed sites for new structures shall be selected to avoid the construction of visible access roads and minimize the extent of environmental and engineering problems resulting from road construction.

COASTAL IMPLEMENTATION PLANS

Retain Big Sur LUP Policy 3.2.4.A.1

Retain Big Sur LUP Policy 3.2.4.A.2

Retain Big Sur LUP Policy 3.2.4.A.3.

Retain Big Sur LUP Policy 3.2.4.A.4.

Retain Big Sur LUP Policy 3.2.4.A.5

COASTAL IMPLEMENTATION PLANS

Add the following to apply to all segments: Where biologic reports are required and landscaping is likely to occur, require the biologic report to

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>North County Implementation Section</u></p> <p>No Co IP Section 20.144.020.TTT defines Public Viewing Area as any area open to the public, such as a public road or public lands.</p> <p>No Co IP Section 20.144.030.B.1 states that subdivision of parcels containing areas visible from a public viewing area shall minimize the development's visibility from the viewing areas by incorporation of appropriate planning techniques. Such techniques shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. lot configurations which provide highest potential for each lot's building site to be screened by existing topography and vegetation; b. specified building sites and new access road locations that allow for natural screening by existing topography and vegetation, minimized grading, minimized tree removal, and development on less than 25% slopes; c. clustering of structures, with wooded hills and ridges placed in open space lots or scenic easement. <p>No Co IP Section 20.144.030.B.2 similar to No Co policies 2.2.2.1 & 2.2.3.3 & 2.2.2.5; references Attachment 3 for list of native plants to use for landscape screening.</p> <p>No Co IP Section 20.144.050.B.4 states that structures shall be located and sited so as to minimize the amount of tree removal and grading to that amount necessary for construction of the building site and access road. Development proposals shall be modified as necessary for size, bulk, siting, location, and/or design where this would result in less tree removal and/or grading.</p> <p>No Co IP Section 20.144.050.B.5 states that landscape screening and restoration shall be required where needed to minimize the visual impact of development, as viewed from a public viewing area. Screening and replanting shall consist of native plants consistent with those found in the area. As conditions of project approval, a landscape plan and performance bond shall be submitted to and approved by the Director of Planning prior to occupancy and the landscaping shall be continuously</p>	<p>contain recommendations as to the type of species to plant and appropriate densities, locations, and maintenance. Require landscape plans, including a maintenance component, to be recorded.</p> <p>Revise No Co IP Section 20.144.030.B.1 consistent with recommendation for No Co policy 2.2.2.3.</p> <p>Retain No Co IP Section 20.144.030.B.2.</p> <p>Retain No Co IP Section 20.144.050.B.4.</p> <p>Retain No Co IP Section 20.144.050.B.5.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

maintained in a weed-free, litter-free manner.

Del Monte Forest Implementation Section

DMF IP Section 0.147.070.C.1 states that development, along with related access roads, within visually prominent settings as identified on Figure 2C "Visual Resources" in the Del Monte Forest Area Land Use Plan shall be sited on the least visible area of the lot, subject to consistency with other development standards of this implementation ordinance and as determined by staff field review of the proposed development on its impact of visual sensitivity. Structures shall be screened from view using native vegetation and topography.

DMF IP Section 0.147.070.C.2 states that all structures shall be subordinate to and blended into the environment, using appropriate construction and landscaping materials to achieve that effect. A list of appropriate landscaping materials is contained in the brochure "The Look of the Monterey Peninsula" which is available from the Monterey County Planning Department, and also those endemic species listed in the Del Monte Forest Land Use and Open Space Advisory Committee Plan. Where deemed necessary by staff, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening, subject to the approval of the Director of Planning.

DMF IP Section 20.147.070.C.6 states that a minimum setback of 50 feet shall be maintained for all structures located in all scenic corridor viewsheds, as identified on the Del Monte Forest Area Land Use Plan Visual Resources Map. Siting and design of structures shall be such that only the minimum tree removal and alteration to natural landforms is required for development of the dwelling and an adequate area for safe off-street parking and turnaround. New structures shall be designed to harmonize with the natural setting and not be visually intrusive.

Carmel Implementation Section

Carmel IP Section 20.146.030.C.1 similar to Carmel LUP policies 2.2.3.6, 2.2.3.4, 2.2.3.3, 2.2.3.8, 2.2.4.10.e. References "A Drought-Tolerant Plant List for the Monterey Peninsula" for appropriate landscape plant species.

Retain DMF IP Section 0.147.070.C.1 but integrate last sentence into DMF IP Section 0.147.070.C.2 instead.

Revise DMF IP Section 0.147.070.C.2 to apply to all visible development not just structures. Revise last sentence to read: Where deemed necessary to comply with Plan policies and provisions of this ordinance, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening. Add the following text: As conditions of project approval, a landscape plan and performance bond shall be submitted to and approved by the Director of Planning prior to occupancy and the landscaping shall be continuously maintained in a weed-free, litter-free manner. Include referenced brochure as an Attachment.

Retain DMF IP Section 20.147.070.C.6.

Retain Carmel IP Section 20.146.030.C.1. Add "A Drought-Tolerant Plant List for the Monterey Peninsula to the Appendix.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Carmel IP Section 20.146.030.C.2 requires landscape plans.</p> <p>Carmel IP Section 20.146.030.C.7 similar to Carmel policy 2.2.3.5.</p> <p><u>Big Sur Implementation Section</u> Big Sur IP Section 20.145.020.AAAA defines Public Viewing Area as any area open to the public, such as a public road or public lands.</p> <p>Big Sur IP Section 20.145.030.C.2 similar to Big Sur Policies 3.2.4.A.1 – A.5. Section 20.145.030.C.2.d requires landscape screening.</p>	<p>Add to Carmel IP Section 20.146.030.C.2 the following: and the landscaping shall be continuously maintained in a weed-free, litter-free manner.</p> <p>Retain Carmel IP Section 20.146.030.C.7.</p> <p>Add to Section 20.145.030.C.2.d a requirement for a landscape plan, including on-going maintenance.</p>
<p>ISSUE SR-8: Ridgetop Development Ensure that ridgetop development does not adversely affect scenic resources protected under the Coastal Act.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The current LCP has provisions prohibiting structures silhouetting on the ridgeline and also creation of new lots where this would occur. However, the Del Monte Forest and North County land use plan policy base is not as explicit as the zoning; thereby opening the possibility of zoning amendments that would be less protective of important scenic views. Policies that allow screening can result in an unnatural, intrusive look to the ridgeline as well, but only the Carmel zoning explicitly addresses this issue. Policy that allow tree cutting on the ridge could also alter the view in an undesirable way, but only the North County zoning explicitly addresses this component of the issue. Finally, although roads may be built on a ridge without appearing visible, the resultant use of the road may be a visual distraction. Only North County and Carmel directly address this component of the issue.</p> <p>To date the General Plan Update has a welcome policy prohibiting ridgeline development, but is unclear exactly where it applies.</p> <p><u>GENERAL PLAN UPDATE</u></p>	<p>Summary: Retain ridgeline protection policies and clarify that they also apply to tree removal, landscape screening, and road development that might also adverse affect views of the ridge.</p> <p><u>GENERAL PLAN UPDATE</u></p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

GPU Policy ER-10.3 states in part that new structures on ridgelines within critical viewshed areas, and ridgelines visible from designated scenic roads and highways, scenic waterways, and places of public gatherings such as public parks and vista points, shall be prohibited.

GPU Definition of Ridgeline Development: Ridgeline development means a development on the crest of a hill that has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.

COASTAL LAND USE PLANS

No. County Land Use Plan

No Co: Policy 2.2.1 allows only low-intensity development that can be sited, screened, or designed to minimize visual impacts on scenic hills, slopes, and ridgelines.

No Co Policy 2.2.2(3) states that property containing land on scenic slopes, hills, and ridgelines when proposed for subdivision, should be subdivided so that the lots are situated to allow the highest potential for screening development and access roads from view...

No Co. Policy 2.2.3(1) states ridges shall be zoned for scenic conservation treatment.

No Co Policy 2.2.3(4) states access roads should not be allowed to intrude upon public views of ridgelines visible from scenic routes or viewpoints.

DMF Land Use Plan

DMF Policy 33 states that in reviewing requests for tree removal, land clearing, and other development, preservation of scenic resources shall be a primary objective. Additionally, the policy indicates that special consideration will be given to the ridgeline silhouette.

DMF Figure 2C shows a ridgeline visible from Point Lobos. Also, shows view area from 17 Mile Drive and vista points.

GPU Policy ER-10.3 may be adopted provided there is agreement on the definitions of critical viewshed areas, scenic resource areas and designated scenic roads, etc. (Note: for the coastal zone each segment is clear on what is the public viewing area from which development would be visible on a ridge, and this policy should be linked to those)

GPU Definition of Ridgeline Development may be retained; however, policies address whether development can occur on a ridgeline, so ridgeline is the operative term to be defined.

COASTAL LAND USE PLANS

Retain No Co Policy 2.2.1 with addition to give priority to siting using natural topography and to consider cumulative impacts of unnatural screening

Revise No Co Policy 2.2.2.3 to require building envelopes that would not result in ridgeline development for any approved new parcels.

No Co. Policy 2.2.3(1) may be retained.

Clarify No Co Policy 2.2.3(4) to prohibit roads from locating on ridgelines visible from scenic routes or viewpoints.

Substitute concept of No Co IP Section 20.144.050.C.8 for DMF Policy 33.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>DMF Policy 50 requires ridges identified on the LUP Visual Resources Map to be designated for outdoor recreation, low-density residential, or open space land use that are compatible with protection of scenic resources, and are required as scenic or conservation easements.</p> <p>DMF Policy 51 states that development proposed in areas listed on the LUP Visual Resources Map to be developed so that the lots/buildings are situated to allow the highest potential for screening from view (including access roads for the development); lots and access roads should also be sited to minimize tree removal and visually obtrusive grading.</p> <p>DMF Policy 56 states design and siting of structures in scenic areas should not detract from scenic values of the ridgelines.</p> <p><u>Carmel Land Use Plan:</u></p> <p>Carmel Policy 2.2.3(1) states that design and siting of structures, whether residential, commercial, agricultural, or public shall not detract from the natural beauty of undeveloped ridgelines and slopes in the public viewshed.</p> <p>Carmel Policy 2.2.3(3) states that new development on slopes and ridges within the public viewshed shall be sited within existing forested areas or within areas where existing topography can ensure structures and roads will not be visible from major public viewpoints and public viewing corridors. Structures are precluded from being sited on non-forested slopes or silhouetted on ridgelines; the visual continuity and natural appearance of ridgelines shall be protected.</p> <p>Carmel Policy 2.2.3.8 states that landscape screening on open grassy slopes and ridges should be avoided.</p> <p>Carmel Policy 2.2.4.5 states that new roads or driveways will not be allowed to damage or intrude upon public views of open frontal slopes or-ridgelines visible from scenic routes and public viewpoints.</p> <p>Carmel Policy 2.2.4.10.a states that on ridges, buildings shall be</p>	<p>DMF Policy 50 may be retained.</p> <p>Clarify DMF Policy 51 to not imply acceptance of artificial screening of ridgeline development that is otherwise prohibited</p> <p>Retain DMF Policy 56</p> <p>Retain Carmel Policy 2.2.3(1)</p> <p>Retain Carmel Policy 2.2.3(3)</p> <p>Retain Carmel Policy 2.2.3.8 and apply coastal zone wide.</p> <p>Clarify Carmel Policy 2.2.4.5 to prohibit roads from locating on ridgelines visible from scenic routes or viewpoints.</p> <p>Carmel Policy 2.2.4.10.a may be retained or deleted as redundant.</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>sufficiently set back from the precipice to avoid silhouetting and to be as visually unobtrusive as possible.</p> <p><u>Big Sur LUP</u> Big Sur Policy 3.2.4.A.1 states that the design and siting of structures shall not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline.</p> <p>Big Sur Policy 3.2.4.A.2 states that new structures shall be located where existing topography or trees provide natural screening and shall not be sited on open hillsides or silhouetted ridges</p> <p><u>COASTAL IMPLEMENTATION PLANS</u> <u>North County Implementation Section</u> No Co IP Section 20.144.020.TTT defines Public Viewing Area as any area open to the public, such as a public road or public lands.</p> <p>No Co IP Section 20.144.030.B.6 similar to DMF IP Section 0.147.070.C.3.</p> <p>No Co IP Section 20.144.030.B.7 similar to DMF IP Section 0.147.070.C.4.</p> <p>No Co IP Section 20.144.050.C.8 states that removal of trees shall not be permitted on the side or crest of a hill where such removal would create a gap, hole, or interruption in a tree cover on a ridgeline.</p> <p><u>Del Monte Forest Implementation Section</u> DMF IP Section 20.147.020.BB defines “Ridgeline Development” as development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.</p> <p>DMF IP Section 0.147.070.C.3 states that ridgeline development is prohibited. In the instance that a parcel is unable to be developed except as a ridgeline development project, the applicant may apply for a use permit, to be heard by the Planning Commission to allow ridgeline</p>	<p>Retain Big Sur Policy 3.2.4.A.1</p> <p>Big Sur Policy 3.2.4.A.2 may be retained.</p> <p>Revise No Co IP Section 20.144.030.B.6 in the same way as recommended revision to DMF IP Section 0.147.070.C.3.</p> <p>Retain No Co IP Section 20.144.030.B.7</p> <p>Retain No Co IP Section 20.144.050.C.8 and add as a land use policy as well to apply coastal zone wide, with an exception unless the removal is necessary to achieve other plan policies.</p> <p>Revise DMF IP Section 20.147.020.BB “Ridgeline Development” as follows: development on the crest of a hill which (or whose use of) has the potential to create a silhouette or other substantially adverse impact when viewed from a defined vantage point.</p> <p>Revise DMF IP Section 0.147.070.C.3 as follows: ridgeline development is prohibited. In the instance that a parcel is unable to be developed except as a ridgeline development project, the applicant may apply for a use permit, to be heard by the Planning Commission to allow ridgeline</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

development. "Ridgeline Development" is development on the crest or side of a hill which creates a silhouette against the sky when viewed from a public viewing area. A Use Permit for such development may only be granted if the decision-making body is able to make findings that: 1) there are no alternatives to development so as to avoid ridgeline development; 2) the proposed development will not have a significant adverse visual impacts due to required landscaping, required modifications to the proposal, or other conditions; or, 3) development on the ridge will minimize grading, tree removal or otherwise better meet resource protection policies of the Del Monte Forest Area Land Use Plan or development standards of this ordinance. The proposed development shall be modified for height, bulk, location design, size, and siting and/or shall landscaping or other techniques so incorporate as to avoid or minimize the visual impacts of ridgeline development as viewed from a public viewing area.

DMF IP Section 0.147.070.C.4 states that new subdivisions and lot line adjustments shall not configure a lot so as to create a building site that will result in ridgeline development. Where initial application review indicates that ridgeline development may result on a proposed lot, the applicant shall demonstrate that there is a building site and building height(s) available which will not create ridgeline development. As such, possible building site dimensions and roof heights shall be delineated by poles with flags, subject to an on-site investigation by the planner prior to the application being considered complete. A condition of project approval shall be the establishment of a building site and building height envelope that provides specifications for non-ridgeline development on the lot(s) in question...

DMF IP Section 20.147.130.D.5 states that development which impacts the visual component of visual access from 17-Mile Drive and from major public viewpoint turnouts such as ridgeline development and tree

~~development.~~ "Ridgeline Development" is development on the crest or side of a hill which creates a silhouette against the sky when viewed from a public viewing area. In the instance that a parcel is unable to be developed except as a ridgeline development project, -A Use Coastal, Design, or Combined Development Permit for such development may only be granted if the decision-making body is able to make findings that: 1) there are no alternatives to development so as to avoid ridgeline development; 2) the proposed development will not have a significant adverse visual impacts due to required landscaping, required modifications to the proposal, or other conditions; or, 3) development on the ridge will ~~minimize grading, tree removal or otherwise~~ better meet all other resource protection policies of the Del Monte Forest Area Land Use Plan or development standards of this ordinance. The proposed development shall be modified for height, bulk, design, size, location, and siting and/or shall incorporate landscaping or other techniques so as to avoid or minimize the visual impacts of ridgeline development as viewed from a public viewing area.

Add to the DMF IP a definition of public viewing areas: Highway 68, 17 Mile Drive, vista points, and Point Lobos State Reserve.

Retain DMF IP Section 0.147.070.C.4 and add to Big Sur IP section as well.

Retain DMF IP Section 20.147.130.D.5

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

removal not critical to development of the footprint of the dwelling and the immediate access area is prohibited.

Carmel Implementation Section

Carmel IP Section 20.146.030.C.1.e states that no landscape screening is allowed on open grassy slopes and ridges.

Carmel IP Section 20.146.030.C.4 similar to Carmel Policy 2.2.3(3)

Carmel IP Section 20.146.030.C.5 similar to DMF IP Section 0.147.070.C.3.

Carmel IP Section 20.146.030.C.6 similar to DMF IP Section 0.147.070.C.4.

Big Sur Implementation Section

Big Sur IP Section 20.145.020.AAAA defines Public Viewing Area as any area open to the public, such as a public road or public lands.

Big Sur IP Section 20.145.030.A.2.1 states development constituting "ridgeline development" shall not be allowed unless a use permit is first obtained. "Ridgeline development" is development on the crest or side of a hill which creates a silhouette against the sky when viewed from a public viewing area. A coastal development permit for such development may only be granted if the decision-making body is able to make findings that: [remainder of section same as DMF]

Big Sur IP Section 20.145.030.C.2.a similar to Big Sur Policy 3.2.4.A.1

Big Sur IP Section 20.145.030.C.2.b states that new structures shall be located where existing topography or trees provide natural screening and shall not be sited on open hillsides or silhouetted ridges.

Summary Table of Criteria for Ridgetop Development in LCP:

	No Co	DMF	Carmel	Big Sur
New lots have no ridgetop	yes	yes	yes (IP)	

Retain Carmel IP Section 20.146.030.C.1.e

Retain Carmel IP Section 20.146.030.C.4

Revise Carmel IP Section 20.146.030.C.5 same way as recommended revision to DMF IP Section 0.147.070.C.3. Add a reference to Carmel IP Section 20.146.020.z as identifying the common public viewing areas.

Retain Carmel IP Section 20.146.030.C.6

Revise Big Sur IP Section 20.145.030.A.2.i same way as recommended revision to DMF IP Section 0.147.070.C.3

Retain Big Sur IP Section 20.145.030.C.2.

Retain Big Sur IP Section 20.145.030.C.2.b

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

only building sites		(IP)			
Hide structure	yes (IP)	yes	yes	yes	
No ridge roads	yes		yes		
No unnatural screening			yes (IP)		
No tree cutting that leaves unnatural gaps	yes (IP)				
ISSUE SR-9: “Trophy Homes” Ensure that the adverse aesthetic, community character and other impacts from very large homes are adequately regulated to be consistent with Coastal Act policies.					
<i>County Policies and Comments</i>			<i>Recommendations</i>		
<p>Summary Comment: The current LCP has various coverage and floor area ratio requirements. Except for Del Monte Forest watersheds, these are based on lot size; meaning the larger the lot, the larger the allowed house size. In most cases the result may greatly exceed the average size of houses in the community., and hence not be in keeping with community character in areas that are popular visitor destination points. In Big Sur in particular, the regulations could allow for large homes that, although outside of the defined “critical viewshed,” may be visible to the public on hiking trails, may generate increases in non-priority traffic on Highway One (with limited capacity), may result in greater runoff impacts, and may induce infrastructure and service development inconsistent with numerous Coastal Act objectives for the area. The LCP has regulations that require house size reductions to reduce impacts, but no definitive direction is provided.</p> <p>To date the General Plan Update has a welcome policy that calls for addressing maximum home sizes in rural areas, but leaves the details to the future.</p> <p><u>GENERAL PLAN UPDATE:</u> GPU Policies LU-5.10 & LU-6.21 state that the size of single family homes in Rural Centers and Rural Lands shall be proportional to the site and blend with the rural character of the area.</p>			<p>Summary: Adopt and implement a process to ensure inclusion of Coastal Act concerns when determining areas and standards for further design restrictions on large homes. Additionally, ensure that where Coastal Act concerns can be addressed by structural size reduction and related design changes, they occur.</p> <p><u>GENERAL PLAN UPDATE:</u> Add to GPU Policies LU-5.10 & LU-6.21 the following: proportional to the site <u>to the extent that individually and cumulatively the size of homes shall not result in adverse, unmitigated impacts on coastal resources.</u></p>		

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

GPU Actions LU-5.c and LU-5.d call for reviewing and revising the design standards for homes in Rural Centers and Rural Lands.

COASTAL LAND USE PLANS

No specific house size limitations.

Big Sur Land Use Plan

Big Sur LUP Ch 2.1 Philosophy & Goals state that the special cultural

(Note: the proportionality criteria is only applicable to smaller parcels up to what would be determined to be the maximum allowable home size, pursuant to other policies.)

Add to GPU Actions LU-5.c and LU-5.d the following tasks to be coordinated by the land use advisory committees coastal zone wide (i.e., not necessarily limited to just Rural Centers and Rural Lands in the coastal zone):

1. identify coastal zone neighborhoods that would be impacted by oversized residences;
2. survey trends in home sizes;
3. hold public meetings to obtain input on community character;
4. derive a statement as to what is the “community character” of each neighborhood in question;
5. evaluate applicability of various techniques and development standards for ensuring that community character is not compromised by larger homes; e.g., (a) size limitations such as San Mateo County’s 6,200 sq ft maximum in certain areas; (b) overall coverage limits considering all structures allowed on a property; (c) variable size limits depending on criteria met; (d) other means of minimizing visual massing of structures not in keeping with the community character, such as daylight planes, upper-story setbacks, facade articulation; subordination to the landscape;
6. choose a technique or techniques;
7. recommend the design standards to implement the chosen technique in each neighborhood.

Also, part of this exercise may be a determination of average home sizes in a neighborhood for purposes of applying the IP recommendations in this section to require size reductions as a primary mitigation measure and to alleviate the need for exceptions to be granted.

COASTAL LAND USE PLANS

Note: after the design standards are established for coastal neighborhoods they will have to be incorporated into the LCP through amendment.

Add to Big Sur LUP text that Big Sur is a special community that, based

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

characteristics of the Big Sur Coast should also be recognized as a primary resource. Man's presence along this coast continues to reflect a pioneering attitude of independence and resourcefulness; the environment has been a special nurturing ground for individual and creative fulfillment. The community itself and its traditional way of life are resources that can help to protect the environment and enhance the visitor experience.

Big Sur LUP Policy 3.2.4.A.3 states that new development should be subordinate and blend with its environment, using materials or colors that will achieve that effect. Where necessary, appropriate modifications will be required for siting, structural design, size, shape, color, textures, building materials, access, and screening.

Big Sur LUP policy 5.4.2.9 contains the description: reflecting the small scale character of the special Big Sur community

COASTAL IMPLEMENTATION PLAN

IP Title 20 has site and structural requirements for each zoning district used in areas of the County located in the Coastal Zone. Home size is limited by maximum building site coverages, which range from 3% in the Agricultural districts to 60% in the High Density Residential district. In rural Big Sur the zoning is predominately Watershed & Scenic Conservation which allows 10% coverage and Rural Density Residential which allows 25% coverage. On typical RDR and WSC lots from anywhere between 5 and 80 acres between 54,450 s.f. and 348,000 s.f. homes would be allowed.

There are also maximum Floor Area Ratios but only for the parts of the Del Monte Forest and Carmel Area zoned MDR and LDR. Even these allow quite large homes to be constructed. For example: the maximum FAR of 20% in the DMF LDR/1 zoning district would allow an 8,712 sf home (with a 15% max site, i.e., first floor, coverage of 6,534 sf); the maximum FAR of 17.5% in the DMF LDR/1.5 would allow an 11,434 sf home (with a 15% max first floor site coverage of 9,801); and the maximum FAR of 17.5 in the DMF LDR/2 would allow a 15,246 sf home (with a 15% max first floor site coverage of 13,068 sf). In the Carmel LUP area, the maximum FAR of 45% in the Carmel MDR/2

on its unique characteristic of scenic attractiveness, is a popular visitor destination point for recreational users within the meaning of the protection afforded by Coastal Act Section 30253(5). (Note: after the above exercise is concluded, this text could be elaborated on to further describe different neighborhoods in Big Sur and their particular characteristics.)

COASTAL IMPLEMENTATION PLAN

(Note: based on the results of the exercise described above, in order to implement the resultant recommendations, either some of the IP size provisions would have to be amended or an overlay established.)

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

zoning district would allow a 9,801 sf home (with a 35% max first floor site coverage of 7,623 sf).

IP Section 20.06.562 Floor Area and 20.06.564 Floor Area Ratio definitions are reversed in relationship to the section titles.

DMF IP section 20.147.030.A.1 states that new development in the Pescadero watershed and the smaller unnamed watersheds of the Pebble Beach planning area which drain into the Carmel Bay area of Special Biological Significance (ASBS), watersheds of Seal Rock Creek and Sawmill Gulch, is subject to maximum structural coverage of 5000 square feet, including main and accessory dwellings. The maximum impervious surface coverage is 4,000 square feet.

IP Section 20.02.060.B.d provides that an exception to the finding of consistency with LCP policies may be considered by the Board of Supervisors on appeal, if it is found that the strict application of the area land use plan policies and development standards of the IP denies all reasonable use of the subject property. The exception may be granted only if the decision-making body is able to make the following findings: ...that any development being approved is the least environmentally damaging alternative project. In order to make this finding, the development shall be required to minimize development of structures and impervious surfaces to the amount needed to reduce environmental impacts to the greatest extent possible and shall be required to locate the development on the least environmentally sensitive portion of the parcel;

Several other IP sections allow exceptions to the given standard under certain circumstances. Examples include from North County IP: Sections 20.144.030.B.6 (from locating off of ridgelines, where there are no alternatives); 20.144.040.C2.b (for setting back 150/50 feet from streams, where reduced setback is sufficient); 20.144.050.C.1 (from saving landmark trees, where development area reduction is not an option); 20.144.070.E.2 (from building on Critical Erosion Areas, where there are no alternatives).

Correct the definitions for Sections 20.06.562 Floor Area and 20.06.564 Floor Area ratio.

(Note: recommendations for DMF IP section 20.147.030.A.1 may be forthcoming as a result of future evaluation of water quality concerns in the area.)

Add to the IP to cover all exception/waiver provisions the following: Prior to granting an exception, apply structural size reduction and other design measures to obviate the need for the exception (or at least reduce the magnitude of the exception), where possible.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Several IP sections provide that in order to implement various visual, habitat, archaeological, and other policies structural size reduction needs to be considered. Examples include, from:

North County IP

Sections 20.144.030.B.2.d (for viewshed protection); 20.144.030.B.4 (to minimize tree removal & grading); 20.144.030.B.6 (for ridgeline development); 20.144.040.A.4.g (for ESHA protection); 20.144.040.B.2 (for ESHA & adjacent ESHA protection); 20.144.040.B.3 (for adjacent EHSA protection); 20.144.040.C.1.b (for maritime chaparral protection); 20.144.040.C.1.f (for coastal sand dune habitat protection); 20.144.050.C.3 (for native tree protection); 20.144.050.C.6 (for oak woodland habitat protection); 20.144.110.D.1 (for archaeological site protection).

Big Sur IP

Sections 20.145.030.B.6.f (for Rocky Point visual resource protection), 20.145.030.B.7.f (for Otter Cove visual resource protection), 20.145.030.C.2.c (for visual resource protection outside of the critical viewshed), 20.145.040.A.4.h (for ESHA & adjacent ESHA protection), 20.145.040.B.3 (for ESHA, indigenous vegetation and landform protection), 20.145.040.B.4 (for adjacent EHSA protection), 20.145.040.C.1.c (for adjacent riparian habitat protection), 20.145.040.C.1.g (for natural grassland protection), 20.145.040.C.2.a (for adjacent intertidal habitat area protection), 20.145.050.B.1 (for stream corridor scenic& recreational quality protection), 20.145.120.D.1 (for archaeological site protection).

Add to the IP to cover all provisions requiring consideration of size reductions the following: Where a proposed structure is greater than the average size of similar structures in the vicinity and the proposed development needs to be modified to fully comply with all LCP provisions, structural redesign and size reduction shall be considered prior to considering application of other mitigation measures.

IX. ENERGY & INDUSTRIAL DEVELOPMENT

Notwithstanding the fact that coastal-dependent industrial developments may have significant impacts on coastal resources, Coastal Act Sections 30001.2; 30263-30264, 30413, 30232, 30250, 30222, 30233 (a) (1), 30235, and 30254 provide for the siting and development of coastal dependent industrial uses, including energy related uses, to ensure that inland as well as coastal resources are preserved while ensuring orderly economic development within the state. Coastal-dependent developments are those that require a site on, or adjacent to the sea to be able to function at all. Coastal-dependent industrial developments are given priority under Coastal Act Sections 30255, 30260, 30262, and 30263 over other land uses, except agriculture, and are permitted reasonable long-term growth where consistent with Chapter 3 policies. These developments are encouraged to locate and expand within existing sites. Location and expansion beyond an existing site are permitted only if alternative locations are infeasible or more environmentally damaging, to do otherwise would adversely affect the public welfare and adverse impacts are mitigated to the maximum extent feasible.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE EN-1: Duke Energy

Ensure that the local coastal program is appropriately updated to reflect the change of ownership of Moss Landing Power Plant from PG&E to Duke Energy North America, LLC (DENA) and the change in operation and configuration of power generating units and tank farm removal.

County Policies and Comments

Summary Comment: The current LCP has appropriate policies to address energy development in Moss Landing. During the recent upgrading of the plant, these policies were followed. However, the LCP contains outdated references to PG&E. Duke Energy North America purchased the energy production units and associated facilities of the Moss Landing Power Plant; PG&E however retains ownership of the power transmission station and lines on the adjoining parcel. Physical changes have also occurred with regards to the power generation units, the intake and outfalls, the fuel tanks, new ammonia storage facility, points of entry to the property, the Dolan Road intersection and the outfall easement west of Sandholdt Road.

To date the General Plan Update does not address this issue other than retaining the land use designations.

COASTAL LAND USE PLANS

North County Land Use Plan

No Co LUP policies 5.5.2.2, 5.5.2.6, 5.5.2.7, 5.5.2.8, 5.5.3.1, 5.5.3.3, 5.5.3.5, 5.5.3.7 and others govern power plant, with regard to requiring a master plan for expansion, preference for being fueled with natural gas, reducing traffic hazards, having oil spill contingency, and mitigating air pollution impacts

No Co LUP throughout Chapter 5 makes references to PG&E as owners of Moss Landing Power Plant, or refers to PG&E activities that are required.

COASTAL IMPLEMENTATION PLAN

Recommendations

Summary: Revise LCP to reflect the change in ownership and operation of Moss Landing power plant and to require conformance to RWQCB discharge permit requirements (including long term monitoring to evaluate impacts of thermal outfall and intake volumes).

COASTAL LAND USE PLANS

Retain specific policies governing power plants but revise to describe:

- New DENA ownership of Moss Landing Power Plant, with continued PG&E ownership of transmission lines.
- Changes in power plant configuration, including intakes, outfalls, tank farm removal;
- and revise to require activities to be consistent with monitoring requirements of RWQCB discharge permit.
- restoration/monitoring requirements should be described.

Revise background text and maps accordingly.

COASTAL IMPLEMENTATION PLAN

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

No Co section 20.144.160 has similar policies to LUP	Revise IP consistent with above recommendations to the land use plans
ISSUE EN-2: Oil & Gas Leases Ensure that there are adequate policies to address any future oil and gas lease proposals in the Big Sur area to conform with Coastal Act recreational, water quality, scenic, and habitat protection policies.	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The Big Sur Land Use Plan has adequate policies to address the issues associated with oil and gas leasing that may occur. However, the zoning is not as absolute and could be interpreted to allow inappropriate extraction.</p> <p>To date the General Plan Update has an appropriate clearer statement addressing this issue in a manner consistent with the Coastal Act. However, the qualifier under County and State jurisdiction may be misinterpreted to mean that the policy does not apply to federal land, even though under the Coastal Act and Coastal Zone Management Act, the County and State retain some say over oil and gas extraction in the National Forest and in the ocean.</p> <p><u>GENERAL PLAN UPDATE</u> Big Sur policy ER-15 states: Exploration, Extraction, Or Handling Of Petroleum Or Related Products Either On-Shore Or Off-Shore – Environmentally Sensitive Habitat Protection: Because of extraordinary risk to the Big Sur coast's special wildlife and recreational values and based on extensive evaluation of the Big Sur Coast, no sites have been identified which would be either practical or appropriate for the exploration, extraction, or handling of petroleum or related products either on-shore or off-shore. Therefore, such uses are not provided for in this plan, either on-shore or off-shore in the area under the jurisdiction of the State of California and Monterey County. This prohibition is especially designated to protect the California Sea Otter State Fish and Game Refuge, the most sensitive watersheds, or any watershed which empties into the Ventana Wilderness, a designated Area of Special Biological Significance, a State Protected Waterway, State Fish and Game Refuge, or onto a public beach or other public shoreline recreation area.</p>	<p>Summary: Retain and clarify policy against oil and gas exploration in Big Sur..</p> <p><u>GENERAL PLAN UPDATE</u> Adopt Big Sur policy ER-15; however, delete the phrase: under the jurisdiction of the State of California and Monterey County.</p> <p>Adopt an action to coordinate with the US. Forest Service, Bureau of Land Management, and Monterey Bay National Sanctuary to ensure that no oil or gas leases are offered on the Big Sur Coast.</p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

COASTAL LAND USE PLANS

Big Sur Land Use Plan:

Big Sur Policy 2.2.4 states the primary land use planning objective is to minimize development of the Big Sur coast to protect the coast as a scenic rural area. Additionally, future land use development shall be extremely limited; new land uses shall be subordinate to the character & grandeur of Big Sur. All proposed uses public/private must meet the same exacting environmental standards and must not degrade the landscape.

Big Sur LUP statement 3.8.1 states that the County opposes development of any offshore or onshore oil and gas reserves that could adversely affect the scenic or habitat values of the Big Sur coast.

Big Sur LUP Policy 5.4.2.6 states that on-shore or off-shore energy facilities and oil extraction are inappropriate in Big Sur.

COASTAL IMPLEMENTATION PLAN

Zoning map designates majority of Big Sur consisting of Los Padres National Forest as PQP (Public Quasi Public)

IP Section 20.40.050 allows removal of minerals or natural materials in PQP district.

Big Sur IP Section 20.145.140.A.3.e states that oil extraction is not permitted.

Big Sur IP Section 20.145.090 Introduction states that development of any offshore or onshore oil & gas reserves that could adversely affect the scenic and/or habitat values of the Big Sur Coast shall be opposed by the County.

COASTAL LAND USE PLANS

Retain Big Sur LUP statement 3.8.1

Retain this portion of Big Sur LUP Policy 5.4.2.6.

COASTAL IMPLEMENTATION PLAN

Revise Section 20.40.050 to add: but not including oil or gas extraction.

Revise Section 20.145.140.A.3.e to add: or gas extraction.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE EN-3: Granite Rock

Ensure that the provisions for mining Pico Blanco in conformance to Coastal Commission federal consistency decision pursuant to Coastal Act.

County Policies and Comments

Summary Comment: The LCP's are generally in concert with the Granite Rock court decision that affirmed Coastal Commission regulatory, but not planning, control over private development on Federal Lands. At this point, the County would not have direct regulatory authority over activities on federal land.²⁰ County policy on mining is found in the certified LCP. The County received approval to amend the LCP to delete the mining Chapter (16.04) of its Code from the LCP, which was entirely procedural at the time. However, since then, the County has amended Ch 16.04 to include policy language and, hence, there is some potential for the County to take an action pursuant to those provisions that might not be consistent with the Coastal Act

To date the General Plan Update retains some of the LCP provisions and suggests coordination with federal agencies.

GENERAL PLAN UPDATE

GPU Action ER-7.d says to establish mechanisms for consultation and comment on mining operations on federal lands. These mechanisms may include formal and informal review, cooperative planning with federal agencies, development of memoranda of understanding, joint preparation of environmental impact statements or assessments, coordination through state agencies such as the Office of Planning and Research, and the like. These measures will be in addition to any coastal development permit requirements that may apply in any individual case.

GPU Big Sur Area Section retains some LUP policies; i.e., indicating that large-scale mineral extraction/mining is an incompatible use the Big Sur Coast; retains specific policy to Granite Rock Mining operations;

Recommendations

Summary: Clarify references to Federal vis-à-vis local authority to be consistent with Court case; adopt an action for coordination; and include all mining and reclamation standards in the LCP .

GENERAL PLAN UPDATE

Adopt GPU Action ER-7.d.

²⁰ The only Federal land in the County's coastal zone is either in Big Sur or Fort Ord. For Fort Ord there is no certified LCP and we may have future recommendations for that area.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

contains policy for Pico Blanco mining operations to be reclaimed per State Division of Mines and Geology standards.

COASTAL LAND USE PLAN

Big Sur LUP Ch 3.8 contains policies that specifically regulate mining operations.

Big Sur LUP Ch 3.8 Introduction states that the following mining policies are applicable in any review by the County of development activities on non-federal land. To the extent permissible under federal Supremacy principles and federal mining laws, the same policies will also apply to federal lands. These policies are adopted pursuant to the California Coastal Act of 1976, and the County's general plan power and police power.

Big Sur Policy 3.8.3.10 states that the County asserts its jurisdiction over mining operations on Federal lands within or adjacent to the Big Sur Coastal Zone to the full extent allowed by law. This includes the County's permit jurisdiction pursuant to its Surface Mining and Reclamation Ordinance and the California Surface Mining and Reclamation Act of 1975 and its coastal development permit jurisdiction pursuant to the California Coastal Act of 1976 and the Federal Coastal Zone Management Act of 1972.

Big Sur LUP Section 5.3.1.1 describes allowed uses in the National Forest designation which covers Los Padres National Forest as follows: The U. S. Forest Service manages the Los Padres National Forest under a multiple use concept in which conservation of plant and wildlife communities, protection of watersheds, maintenance of scenic beauty, and low intensity recreation are principal land use activities. Forestry, mineral extraction and grazing can also be practiced under careful controls. Land uses permitted in the Ventana Wilderness portion of the National Forest are limited to backcountry recreation. Non-federal development within this designation will be subject to the same development standards and criteria as Watershed and Scenic Conservation category...

COASTAL LAND USE PLAN

Retain Ch 3.8 policies. (Note: we may have some future comments on individual policies from a resource protection viewpoint).

Retain Big Sur LUP Ch 3.8 Introduction

Retain Big Sur Policy 3.8.3.10.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p>Big Sur LUP Section 5.3.1.7 describes allowed uses on Military designated lands and notes: As provided by the Federal Coastal Zone Management Act of 1972 (CZMA), lands subject to exclusive federal jurisdiction, such as the Naval Facility at Pt. Sur, are not subject to Coastal Commission or County jurisdiction. However, when federally owned lands are opened to non-federal development, such developments are subject to coastal permit requirements. Accordingly, the land use designations shown for federal lands are for the purpose of regulating future non-federal development, if any. Federal projects on excluded lands will be addressed by the federal consistency process as provided by the CZMA.</p> <p>Big Sur LUP Policies 5.3.1.1. & 5.4.3.A.4 state that the "National Forest" land use designation may include some lands not currently managed by the U.S. Forest Service. Non-federal development within the "National Forest" land use designation will be subject to the policies for "Watershed and Scenic Conservation."</p> <p>Big Sur LUP policy 5.3.1.2 allows for mineral extraction as a secondary, conditional use in "Watershed and Scenic Conservation" designations.</p> <p>Big Sur LUP Section 7.1 Plan Administration states that the plan will also provide guidance to the California Coastal Commission in its review of Federal projects pursuant to the Federal Coastal Zone Management Act.</p> <p>Little Sur River Protected Waterway Management Plan pp. 44- 51 contains a description of mining activities circa 1981.</p> <p>Little Sur River Protected Waterway Management Plan policy 33 stats that at such time that expansion of present mining operations is proposed, agencies should cooperate in requiring a water quality monitoring program.</p> <p>Little Sur River Protected Waterway Management Plan policy 34 states that the RWQCB's water quality standards should be enforced for the</p>	<p>Revise last paragraph of Big Sur LUP Section 5.3.1.7 and move to introductory part of Section 5.3.1 so it is clear that is it applicable to National Forest designation as well: As provided by the Federal Coastal Zone Management Act of 1972 (CZMA), lands subject to exclusive federal jurisdiction, such as the Naval Facility at Pt. Sur, are <u>generally</u> not subject to Coastal Commission or County <u>permit</u> jurisdiction. However, when federally owned lands are opened to non-federal development, such developments are subject to coastal permit requirements. Accordingly, the land use designations shown for federal lands are for the purpose of regulating future non-federal development, if any <u>to the extent allowed by law</u>. Federal projects on excluded lands will be <u>are</u> addressed by <u>through</u> the federal consistency process as provided by the CZMA.</p> <p>Update Little Sur River Protected Waterway Management Plan pp. 44-51 description of mining activities since early 1980's.</p> <p>Retain Little Sur River Protected Waterway Management Plan policy 33.</p> <p>Retain Little Sur River Protected Waterway Management Plan policy 34.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

mining operation and requests that the Forest Service to undertake periodic inspections.

Little Sur River Protected Waterway Management Plan policy 64 states in part that Surface mineral extraction on non-federal lands shall not be allowed unless it can be demonstrated that such mining can be done in a manner consistent with the preservation of local aesthetic and physical resource values and, therefore, shall not violate the policies of this plan or the Big Sur Coast Land use Plan. To the extent permissible under Federal Supremacy principles and federal mining laws, the same policies will also apply to federal lands.

COASTAL IMPLEMENTATION PLAN

IP General section 20.08.040B states that no governmental unit whether City, County, District, State or Federal shall be exempt from the provisions of this Title unless otherwise provided for by Federal or State Law.

IP section 20.70.120.M exempts from the requirement for a Coastal Development: Any project undertaken by a federal agency.

IP Section 20.40.050.B conditionally allows removal of minerals in the PQP(CZ) zoning district, which is the district that Los Padres National Forest is zoned.

Big Sur IP Chapter 20.145.090 contains Mineral Resource Development Standards

Note: County Code chapter 16.04 Surface Mining and Reclamation was deleted from the IP in 1995. Since that time it has been amended to include Findings for Site Approval or Reclamation Plan (Section 16.04.070.J) and Standards for Reclamation (Section 16.04.075).

Retain Little Sur River Protected Waterway Management Plan policy 64.

COASTAL IMPLEMENTATION PLAN

Retain IP General section 20.08.040B

Retain IP section 20.70.120.M and add a footnote to it stating: Non-federal projects on Federal land require coastal development permits. The County will consult with the Coastal Commission as to which shall process the coastal development permit.

Submit for incorporation into the LCP Findings for Site Approval or Reclamation Plan (Section 16.04.070.J) and Standards for Reclamation (Section 16.04.075) (or alternatively entire Ch 16.04); include cross-referencing with Ch 20.145 provisions.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

ISSUE EN-4: Energy and Industrial Facilities

Ensure that large energy and industrial facilities are allowed after careful review relative to environment, traffic, and water use issues consistent with Coastal Act policies.

County Policies and Comments

Summary Comment: The current local coastal program allows industrial facilities only in North County, which is the only appropriate location in the County for them. There are adequate policies to address all Coastal Act subjects. Major industrial redevelopment is likely to occur on the former National Refractories site, which would require an overall development plan pursuant to the zoning ordinance. Without a specific policy base for this requirement, it could be more readily be changed.

To date the General Plan Update does not have provisions that are specific to governing industrial development.

GENERAL PLAN UPDATE

GPU land use chapter provides for industrial uses in urban areas, but does not have specific policies governing their development except as below.

GPU policies ER11-4 &-5 require best available technology & control of air pollution particulates in industrial facilities.

COASTAL LAND USE PLANS

No. County LUP:

No Co policies 4.3.5.6 & 4.6.3.F.5 require locating industrial facilities that are appropriate for the area; i.e., are coastal or agricultural-dependent; contribute low levels of air and water pollution; precludes industries not compatible w/air quality needed for continuing agricultural uses.

No Co policy 4.3.5.9 requires development and use of land, public or private, to conform to the policies of the plan, consistent w/availability of public services and with established urban service lines, and meet resource protection policies of the plan.

Recommendations

Summary: Retain and reinforce existing policies governing energy and industrial facilities.

GENERAL PLAN UPDATE

COASTAL LAND USE PLANS

Retain No Co policies 4.3.5.6 & 4.6.3.F.5 with the addition of a general development plan requirement.

Retain No Co policy 4.3.5.9.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<p><u>DMF LUP</u>: no specific policies; however, no areas are designated for industrial or energy uses.</p> <p><u>Carmel LUP</u>: policy states that industrial and energy development is inappropriate for this area of the County.</p> <p>No industrial or energy land use designations.</p> <p><u>Big Sur LUP</u>: has similar policy to Carmel LUP; additional more restrictive policies are included for regulation of energy and industrial development that are not large in scale.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Chs 20.26 & 20.28 provide development standards for industrial zoning districts;</p> <p>IP Sections 20.28.30 & 20.28.030 require a general development plan for industrial uses on >1 acre lots.</p>	<p>Retain Carmel LUP policy</p> <p>Retain Big Sur LUP policy</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Retain IP Sections 20.28.30 & 20.28.030.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------